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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

ARGENTINA* **

[23 May 1997]

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* The initial reports concerning rights covered by articles 6 to 12 (E/1990/5/Add.18) and by articles 13 to 15 of the Covenant (E/1988/5/Add.4 and E/1988/5/Add.8) submitted by the Government of Argentina were considered by the Committee on Economic, Social and Cultural Rights at its eleventh session (see E/C.12/1994/SR.31, 32, 35, 36 and 37) and at its fourth session (see E/C.12/1990/SR.18-20), respectively.

** The information submitted in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.74).

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* The annexes are available for consultation in the Centre for Human Rights.

Article 1

1. The Argentine State fully guarantees the exercise of the right to self-determination, not only to its population as a whole, but to every person within that population. The Argentine people freely determine their political, economic and social system. The separate communities making up that population, for their part, have the instruments they need to preserve and develop their culture.

2. This latter aspect has been reinforced by constitutional provisions, which were added to the Constitution of the Republic as part of the 1994 reform. It will be discussed in connection with the information on article 15 of the Covenant.

Article 2

3. The Constitution provides:

> Preamble: "We, the representatives of the people of the Argentine Nation, assembled in a General Constituent Congress by the will and election of the provinces which compose it, ... for the purpose of ... providing for the common defence, promoting the general welfare and securing the blessings of liberty to ourselves, to our posterity and to all persons in the world who wish to live in Argentine territory ...".

4. Article 20 of the Constitution in the chapter entitled "Declarations, rights and guarantees", states the following: "Foreigners in the territory of the Nation shall enjoy all the civil rights of a citizen; they may engage in their industry, commerce or profession; own real property, purchase it and alienate it; navigate the rivers and coasts; freely practise their religion; make wills and marry in accordance with the laws. They are not obliged to assume citizenship or to pay forced extraordinary taxes ...".

5. Specifically regarding discrimination, it should be noted that the enjoyment and exercise of all the human rights protected under the Argentine legal system are extended to all "inhabitants" of the Republic. As the Supreme Court of Justice of the Nation has stated, the word "inhabitant" includes both nationals and foreigners and refers to persons residing in the territory of the Republic with the intention of remaining there, i.e. persons who currently live there, even though they might not be domiciled in Argentina with all the legal effects that entails.

6. With regards to the constitutional provisions recognizing the rights protected by the Covenant, the addition of article 75, paragraph 22, to the Constitution was an amendment of fundamental significance. As a result of the 1994 reform, the Covenant now enjoys constitutional status, does not derogate from any of the articles in part I of the Constitution and should be regarded as complementary to the rights and guarantees which the Constitution recognizes. Beyond what has been explicitly recognized by the national courts and the Supreme Court of Justice of the Nation, the wording of this article clearly shows that it is possible to invoke the Covenant in the courts of law of the Republic.

7. Similarly, article 43 of the Constitution states:

> "Any person may take quick, expedient action to protect himself, as long as no other more appropriate judicial means exist, against any immediate or potential act or omission of public authorities or any individuals, harming, restricting, altering or threatening rights and guarantees recognized by this Constitution, by a treaty or by a law, in either an arbitrary or a manifestly illegal manner ...".

Article 3

8. As stated in the initial report, there are no distinctions or exclusions on grounds of sex in the Argentine Republic. All inhabitants are equal before the law in accordance with article 18 of the Constitution. The Supreme Court of Justice of the Nation has interpreted these provisions as meaning that the basis for the guarantee of equality before the law is the provision of equal treatment to people in reasonably equal circumstances; this guarantee therefore does not prevent the legislator from giving different consideration to situations he believes to be different, provided that such distinctions are not made using arbitrary criteria leading to undue favour or prejudice, undue personal or class advantages or disadvantages or unlawful persecution.

9. Without prejudice to the foregoing, there are situations in which the legislation provides for additional, broader protection designed to achieve the goal of non-discrimination.

10. Thus, the enjoyment and effective exercise of the rights set forth in the Covenant in no way vary according to whether the person in question is a man or a woman.

Article 6

11. The Argentine State has acceded to the following International Labour Organization Conventions:

Convention	Ratified
Forced Labour (No. 29)	14 March 1950
Fee-Charging Employment Agencies (revised) (No. 96)	29 May 1996 (enabling act)
Abolition of Forced Labour (No. 105)	18 January 1960
Discrimination (Employment and Occupation) (No. 111)	18 June 1968
Development of Human Resources (No. 142)	15 June 1978
Vocational Rehabilitation and Employment (Disabled Persons) (No. 159)	13 April 1987

Labour market

12. The Comprehensive Retirement and Pension System (SIJP) provides information on the wages paid for reported salaried posts, thus giving indicators of the wage per reported post in the different economic sectors. After approximately 3.8 million reported posts were processed, it was determined that the average monthly wage in the first quarter of 1996 was approximately $Arg 887.

13. The average wage was higher in the goods-producing sectors ($Arg 912), with the highest wages in mining and quarrying and electricity, gas and water. The highest average wages in the service sectors were in the communications and banking and insurance categories.

14. The distribution of reported posts by economic activity was as follows: 37.9 per cent in the goods-producing sectors and 62.1 per cent in the service sectors.

15. The information available on the economy's performance in the first quarter of 1996 and the months of April and May indicates that the recession that began in the second quarter of 1995 has come to an end and that a solid growth process is again under way. The recession, a harsh ordeal, was intense, but short-lived. The fact that the recession was so intense and so short confirmed its root cause as being the great uncertainty caused by the fear that the economic programme under way would be discontinued.

16. The reaffirmation of the new economic organization was a key factor in quick recovery of growth. The establishment of monetary and exchange stability enabled the financial system to recover credibility and deposits to climb back up to levels well above those that prevailed at the beginning of the crisis.

17. Traders' extreme sensitivity to this uncertainty had an adverse effect on the value of financial assets and resulted in the financial system sustaining a loss of a fifth of its deposits in the first quarter of 1995. This sensitivity was not incidental, but based on the Argentines' long and painful learning process concerning the redistribution and confiscation processes brought into effect by inflationary and depreciatory policies and by price freezes and forced conversions. The collective memory of these experiences and their potential for recurring made traders hasten to overadjust their portfolios and reduce their exposure to risk. But this time the feared spiral towards economic chaos did not take place.

18. The steps adopted by the Government from the onset of the crisis, which were aimed at strengthening the currency and continuing with the structural reforms and which were given appropriate support by Congress, bore fruit. The people's willingness to tolerate the inevitable costs of this severe crisis without indulging in irresponsible behaviour, while placing their hopes in the recovery of growth through the continuation of the economic reforms under way, showed the Argentines' firm commitment to a stable economic context and the possibility of predicting policies.

19. The 1995 crisis also demonstrated our economy's flexibility in adapting to the disturbances. The decrease in the investment coefficient during 1995 was more than offset by the reduction in the use of external savings, which was reflected in an increase in the domestic savings rate despite the drop in income that had begun in 1993. In addition, the national savings rate increased despite the dissaving in the public sector created by the decrease in tax revenue. Public dissaving was more than offset by an increase in private savings.

20. The reduction in the use of external savings reflects the fact that, following a period in which spending exceeded income, domestic expenditure in 1995 stayed in line with the national product.

21. The flexibility of the Argentine economy was also reflected in a significant change in relative prices to the benefit of internationally marketable goods and services. The previous period of sharp increase in spending on goods and services which had ended before the recession began, led to a significant relative increase in the prices of non-marketable goods and services.

22. This process had begun to reverse itself as early as 1993 and was accelerated by the downturn in the level of activity. The flexibility of the price system in a context of full stability and economic freedom resulted in the international competitiveness shown by a large number of industries. There was a significant increase in exports, which generated a trade surplus for the first time since convertibility.

23. The first quarter of 1996 shows that, in aggregate terms, the economy is returning to 1994 levels, as might be expected if the prognosis of 5 per cent real growth for the current year is borne out. There is, however, every indication that basic macroeconomic relations in 1996 will be similar to those of 1995 rather than 1994, confirming the interpretation of 1995 as being a transition to a pattern of less relative growth in consumption and increase in the savings rate.

24. Of course, the effects of the recession will not be the same, either for businesses or for entire sectors, but will vary according to the rhythm of each and its ability to adapt to a highly competitive environment. Increases in production will probably lag somewhat behind increases in sales, as businesses respond at lower inventory levels than desired. Growth in employment will also lag somewhat behind growth in production, since the working hours of those already employed will increase before additional workers are hired on.

25. Nevertheless, although emerging from the recession will not be enough in itself to solve the employment problem, there are reasons to believe that the features of economic growth will be different from those of the 1992-1994 cycle, which was characterized by high product growth and low increase in employment.

26. At that time, the restructuring process was fully under way in both the private and public sectors, with the addition of new technologies and production, distribution and marketing processes, a significant increase in

productivity resulting from the stability and with a change in the previous economy's suffocating rules of the game, such as the cheapening of capital goods and the disappearance of inflation as an instantaneous means of relaxing labour costs. All these factors resulted in a reduction of employment demand per product unit. Although the economic restructuring process will continue, most of its negative effects on employment may be assumed to be over.

27. From now on, growth will be more intensive in the labour area and this will lead to the creation of more jobs than in the recent past. The Government will aid in this process by further eliminating rigidities in the labour market. Similarly, in order to help reduce labour costs and stimulate employment, the system of tax deductions for employers was fully restored in January 1996 and now covers all branches of industry. In addition, the institutional changes in the mortgage market and the decrease in the interest rate are creating a sharp increase in the supply and accessibility of housing loans which will facilitate the recovery and expansion of the building sector, with the labour demand that goes with it.

28. There will also be a delay in tax revenue recovery owing to changes in product composition. Persistent and more widespread tax evasion also helped increase this delay. Bearing this situation in mind, the Government has been focusing its efforts on tax evasion control through a broad cross-indexing plan aimed at improving the analytical capacity of the Tax Department. The reform of the national Government is also continuing and being extended to the provincial governments, the tax system is being strengthened and the efficiency of public spending in the social sphere increased at all levels of government.

29. The deficit in the social benefits systems has also been an aggravating factor in the provincial governments' public financial crisis. For this reason, the national Government has begun implementing a strategy for standardizing the benefits system by incorporating the provincial systems into the Comprehensive Retirement and Pension System.

30. According to preliminary estimates, gross domestic product (GDP) showed a 3.2 per cent year-to-year decrease in the first quarter of 1996, which represented a lower drop than in previous quarters. These preliminary estimates for the first quarter show a drop of approximately 5.9 per cent in the goods-producing sectors, while the services sectors increased slightly, by 0.1 per cent. This downturn in the goods-producing sectors was particularly influenced by the decreases in the building, manufacturing and agricultural and fishing sectors, as the rest of the goods-producing sectors (mining and electricity, gas and water) would have increased again in the first quarter of 1996.

31. The somewhat positive performance by the service sectors is based on growth in the financial sector and, to a lesser extent, in community and personal services, as the preliminary figures for the remaining service sectors show negative movement. In April, the Monthly Industrial Index (EMI), increased by 6 per cent year-to-year, after dropping for 13 months running.

Heads of household. General unemployment rate and breakdown by sex; 1993-1996

Period	Total: heads of household	Men	Women
May 1993	7.4	6.9	10.7
October 1993	5.9	5.4	9.2
May 1994	7.8	6.8	14.0
October 1994	8.9	8.6	10.9
May 1995	12.9	12.5	15.4
October 1995	11.7	11.1	15.0
April-May 1996	13.2	12.7	15.7

Note: The coefficients of variation for the unemployment rate of women heads of household are over 20 per cent.

Measures taken in relation to technical training

32. With regard to changes in areas covered by the Covenant, specifically in connection with vocational training activities during the period 1994-1995, the Argentine State wishes to set out the legal provisions and agreements on which such activities are based, the basic features of the programmes implementing them, the profile of the programmes' beneficiaries or target populations and the results obtained or extent to which their goals have been achieved.

33. Information on this point will be presented in the following order: first, a list of the legal provisions and agreements that provide the framework for vocational training policy; second, a description of the activities and programmes conducted since the initial report and an indication of their overall results; lastly, a detailed list of the projects being conducted with technical and financial assistance from international agencies.

34. In describing these activities, a sufficiently long reference period (1994-1995) has been chosen to give an overall view of the progress made towards the goal of "progressive achievement" of particular interest to the Covenant.

35. Given the importance of attending to the most vulnerable groups, the information provided includes vocational training activities and programmes targeting such groups, with which the Argentine State has concerned itself particularly in the belief that they must be helped to enter the labour world.

36. The preceding information was provided by the Ministry of Economic Affairs and Public Works and Services.

Legal provisions

Laws, decrees and government decisions

37. Vocational training, with its goal of maintaining an ongoing high level of qualification for workers and refreshing their knowledge and skills, is one of the key aspects of Argentina's dynamic employment policy. Legal provisions promoting and regulating vocational training policies have progressively been established to achieve optimum implementation of this policy.

38. National Employment Act No. 24.013, ratified in 1992, stipulates that vocational training is a basic component of employment policies and programmes. Through the mechanisms laid down in the Act, policy is directed at enforcing the constitutional right to work and systematically encompasses all national economic and social policies. Article 5 of the National Employment Act states that the Ministry of Labour and Social Security is the implementing authority and that the design and execution of employment and vocational training policies are under that Ministry's responsibility.

39. The Office of the Under-Secretary for Vocational Training was established pursuant to Decree No. 1334 of 1992, which stipulates that technical and vocational training is a core element of job promotion strategies. The Office is a branch of the Ministry of Labour and Social Security.

40. On 10 February 1994, the Ministry of Labour and Social Security adopted decision No. 220 establishing the National Register of Vocational and Technical Training Institutions (REGICAL), which contains the names of public and private organizations that provide human resources training services and foreign public and private organizations and international agencies that conduct training activities. The Office of the Under-Secretary for Vocational Training (now the Secretariat of Employment and Vocational Training) is responsible for implementing activities, coordinating them with the provincial authorities and designing criteria for assessing the quality of the training offered in terms of the needs of workers and businesses. It also takes steps to improve training quality, arrange for its classification and define criteria for measuring the quality and profitability of vocational activities.

41. On 11 March 1994, Ministry of Labour and Social Security decision No. 313 established criteria for assigning resources from the National Employment Fund that are to be allocated to vocational and occupational training. The basic premise for these criteria is the importance of occupational training for two of the country's objectives, competitiveness and employment. The decision points out the need for available resources to be assigned according to the criteria of territorial equity, profitability for the community and economic efficiency. The territorial equity criterion is reflected in the decree's stipulation that 30 per cent of resources are to be assigned to activities at the national level and the remaining 70 per cent to the provinces. Budgetary resources for 1994 were allocated for occupational training activities proposed and promoted by representatives of workers and employers jointly. Priority is given to proposals linked to job creation projects for which the proponents or third parties have made co-financing commitments.

42. Act No. 24.465 on apprenticeship contracts was adopted on 15 March 1995. Article 4 of the Act defines the apprenticeship contract as a special contractual relationship which links an employer and a young unemployed person, gives rise to rights and obligations and is conducted under the supervision of the Ministry of Labour and Social Security. Those eligible to participate in this type of relationship are young unemployed people between 14 and 25 years of age who in each case conclude contracts with their employers binding the employers to satisfy the training objective of the apprenticeship. Bargaining committees for collective labour agreements may arrange for joint vocational training programmes and procedures to adapt these types of contracts to the specific features of each sector, branch or business involved.

43. Ministry of Labour and Social Security decision No. 1155 introduced a form of labour contract involving on-the-job training for young people. The on-the-job training contract concluded between firms and young people up to 24 years of age provides young people working in a firm with simultaneous vocational training appropriate to the job they are performing. A description of the training is contained in a sandwich course syllabus authorized by the Ministry of Labour and Social Security. The young person hired is paid the wage specified for the occupational category corresponding to his or her post by the collective labour agreement governing the branch of industry in which he or she is working.

44. Act No. 24.467 was adopted on 23 March 1994; its purpose is to encourage the growth and development of small and medium-sized businesses by promoting general policies through the establishment of new instruments of support and strengthening existing ones. Article 96 of the Act which covers vocational training, states that: "Vocational training is a right and fundamental duty of workers in small businesses, who shall be given preferential access to government-funded in-service training programmes. Workers who attend vocational training courses in the areas covered by the small business in which they are working may ask their employers to adjust their work day to the requirements of such courses. Collective labour agreements governing small businesses must contain a special chapter on the development of the duty towards and the right to training".

45. Decree No. 440 was issued by the National Executive on 27 March 1995. As National Employment Act No. 24.013 stipulates that vocational training is a basic component of Argentine labour policy, as Federal Education Act No. 24.195 stipulates that coordination among education, labour and technical and vocational training are key aspects of the country's educational policy and as the Framework Agreement for Employment, Productivity and Social Equity provides that the training of workers is a prerequisite for any strategy aimed at productive growth together with social equity, the President of Argentina ordered the establishment of the National Council for Vocational Training and Development. Among the Council's objectives is to help consolidate and improve activities aimed at raising workers' skill levels.

46. On 19 April 1995, the Ministry of Labour and Social Security issued decision No. 13, which is intended to improve procedures for allocating resources to vocational training projects.

47. On 13 May 1995, the National Executive issued Decree No. 738. As the apprenticeship contract does not give rise to a labour relationship between the parties, basic health and insurance coverage for the apprentice must be specified. The decree also stipulates that, when the apprenticeship contract runs to over one year, the contracting employer must submit to the Ministry of Labour and Social Security a training programme which is to be considered as approved when there have been no comments to the contrary by the deadline stipulated in the contract.

48. On 16 June 1995, decision No. 35 was issued specifying the competence of the Office of the Under-Secretary for Employment of the Ministry of Labour and Social Security with respect to the Apprenticeship Development Programme (APRENDER). Its function is to provide supervision and follow-up for the Programme. Applications to join the APRENDER Programme should be submitted to the Regional Employment Development Offices.

49. On 3 July 1995, the Ministry of Labour and Social Security issued decision No. 499, establishing the Ministry's internal competence over apprenticeship contracts. The decision is aimed at setting standards for the monitoring and control of apprenticeship contracts, defined as a form of contract distinct from a contract of employment, having training as its objective. The training programme which the contracting employer must submit when the apprenticeship runs to over 12 months is to be modeled on a sample programme contained in the decision. The certificate issued by the employer when the apprenticeship has been completed is drawn up according to the model contained in the decision.

50. On 31 July 1995, the Ministry of Labour and Social Security issued decision No. 94 specifying the reallocation of resources intended for vocational training, with priority given to the establishment of occupational workshops. The remainder of the resources is to be made available for job training fellowships and other aids proposed by the Office of the Under-Secretary for Vocational Training.

51. On 10 August 1995, the National Executive issued Decree No. 286, article 1 of which provides for the establishment of the Office of the Under-Secretary for Employment and Vocational Training: "Given that the Framework Agreement for Employment, Productivity and Social Equity establishes guidelines for reforming labour relations and helping to create jobs and given that experience gained through the employment promotion and vocational training programmes made it advisable to coordinate them and provide them with tools for prompter and more efficient action, the Office of the Under-Secretary was established and provided with new functions and areas of competence".

52. On 10 August 1995, the Ministry of Labour and Social Security issued decision No. 133, which grew out of experience gained in the Occupational Workshops Programme, in which 10 occupational workshops were put into operation in northern Argentina and Gran Rosario. The Programme introduced at least three innovations: (1) the workshops were run completely differently from more conventional forms of technical education; (2) the concept of self-financing of the workshops was introduced; and (3) priority was given to training for employment ("vocational training"). Decision No. 133 extends the

scope of the Occupational Workshops Programme to the entire country and stipulates that the Office of the Under-Secretary for Employment and Vocational Training of the Ministry of Labour and Social Security is responsible for implementing the Programme and defining the instruments needed for conducting, monitoring and developing it.

53. On 6 October 1995, Ministry of Labour and Social Security decision No. 320 established the Occupational Training Programme, whose purpose is to provide support for vocational training activities using resources from the National Employment Fund. The Programme's target population is unemployed adults of both sexes, the staff of small and medium-sized businesses and workers in the private sector who are threatened with unemployment. The projects submitted must include an appropriate methodology for detecting the skills needed in the labour market, as well as apprenticeship programmes aimed at developing certain skills. Emphasis will be placed on evaluating their relevance, quality, effectiveness and efficiency.

International agreements

54. On 15 June 1978, Argentina ratified the ILO Convention (No. 142) concerning Vocational Guidance and Vocational Training in the Development of Human Resources, article 1 of which states that "Each member shall adopt and develop comprehensive and coordinated policies and programmes of vocational guidance and vocational training, closely linked with employment".

Inter-agency cooperation agreements

55. In May 1993, a cooperation agreement was signed between the Ministry of Labour and Social Security and the National Council for Women, geared towards inter-agency cooperation in the fulfilment of the commitments assumed by Argentina when, through Act No. 23.179, it adopted the Convention on the Elimination of All Forms of Discrimination against Women. The agreement concerns employment as covered in article 11 of the Convention and implements Argentina's commitments in the framework of the policies set forth in National Employment Act No. 24.023. The promotion of vocational guidance, vocational training and retraining of women workers is among the objectives of the agreement.

56. On 25 July 1994, the Government convened the General Workers Confederation (CGT), the Argentine Industrial Union (UIA), the Chamber of Commerce, the Argentine Builders' Association, the Argentine Construction Association, the Association of Argentine Banks (ADEBA), the Association of Banks of the Argentine Republic (ABRA), the Argentine Rural Corporation (SRA) and the Buenos Aires Stock Exchange to conclude the Framework Agreement for Employment, Productivity and Social Equity. The Agreement stipulates that the training of workers is a key element of the national policy of growth with social equity. The Ministry of Labour and Social Security provides special support for the training programmes agreed on by the social partners. The Government, together with the business and labour sectors, agrees to conduct innovative actions to cope with unemployment and further to develop the model of economic change with social equity. The main goals of the set of actions proposed by the National Executive are job creation, an increase in the economy's level of competitiveness and introduction of new elements for social

equity, objectives which are attainable only through a commitment by all three parties in which each of the social sectors takes on its full share of responsibility in meeting the current challenges.

National Programmes

57. Through its Office of the Under-Secretary for Vocational Training (now the Secretariat for Employment and Vocational Training), the Ministry of Labour and Social Security has taken responsibility for the occupational training of various target groups throughout the country.

58. The management methodology adopted to meet its general objectives consists of financing those vocational training projects and programmes that have been submitted by the various social partners and approved by the Secretariat itself.

59. The allocation of funds was specified in Ministry of Labour and Security decision No. 313/95 on budgetary distribution between the provincial districts and the Federal Capital.

60. In assessing the projects submitted, the Office of the Under-Secretary for Vocational Training enjoyed the services of a team of assessors specially trained by the Vocational Training Centre (CEDFOPE) to evaluate the course contents.

61. The population covered fell into the following categories or target groups:

(a) The rank-and-file of businesses in the private sector, who receive in-service training in order to improve their skills and knowledge and ensure that they keep their jobs and have access to career development;

(b) Public servants affected by the administrative rationalization process in provincial and municipal governments, who are provided with retraining courses aimed at helping them to re-enter the labour market;

(c) Unemployed workers registered with the Employment Services Network, those receiving unemployment insurance and unemployed workers in general, who are given vocational training courses to enable them to compete for stable and adequately paid jobs. In such cases, priority is given to projects which have received a commitment to hire from businesses in the private sector at the time of their submission;

(d) Young people looking for their first job who may, while they are job hunting, avail themselves of special programmes on skills development, guidance and labour practice, as set out in the description of the vulnerable groups.

Occupational training programmes

62. The purpose of this programme is to provide support for technical training activities using resources from the National Employment Fund. The target population consists of unemployed adults of both sexes, the staff of

small and medium-sized businesses (including managers) and workers in the private sector who are threatened with unemployment. Training projects may be submitted by:

(a) Training agencies, in agreement with a business or with business association;

(b) Businesses or business associations working in partnership with an in-house or external training agency;

(c) Trade unions in association with businesses and a training agency;

(d) Trade unions in association with an in-house or external training agency, for programmes targeting the unemployed in their sector.

63. In selecting proposals, priority is given to the following:

(a) Those which best satisfy the criteria of relevance, product quality, economic efficiency and social equity;

(b) Projects which, in addition to specific technical training, include training modules on general work skills and on practical skills required by a competitive business context;

(c) Projects which have received a commitment from businesses to hire a significant percentage of their beneficiaries.

REGICAL

64. In designing the National Vocational Training Plan, it was necessary to take a census of the vocational training services on offer in the public and private sectors. The National Register of Vocational and Technical Training Institutions (REGICAL), whose purpose is to create a vocational services market having the necessary transparency and quality level, was established with this objective in mind.

65. Public and private organizations which provide technical training services, and which may be national or foreign organizations, as well as international bodies carrying out training activities and wishing to operate in Argentina, register voluntarily with REGICAL. Formalities are coordinated by the provincial authorities and the regional offices of the Ministry of Labour and Social Security.

66. On 31 August 1994, the Ministry of Labour and Social Security published the first "Guide to Technical Training Institutions and Courses" containing lists of vocational training institutions in alphabetical order and by province and lists of courses by subject, province and institution.

67. Summary of the first managerial assessment, January-December 1994 (see annex 1). A total of 76,150 workers received occupational training and 4,009 courses were offered. The courses were taught in 24 districts in the country. In terms of subject, the courses with the highest enrolment were those in computer science and human resources management/administration.

Other popular subjects were electricity and electronics, agriculture and stockraising, tourism and building. The total amount invested was $Arg 15,369,507.60. Budget resources were allocated in accordance with the technical criterion for territorial equity laid down in decision No. 313/94 by the Ministry of Labour and Social Security, which states that "30 per cent of funds have been allocated to national activities and the remaining 70 per cent to provincial activities". The Ministry of Labour and Social Security has delegated responsibility for occupational training activities by concluding agreements with public and private bodies:

Agreements with NGOs and others:	32 per cent
Agreements with public bodies:	36 per cent
Agreements with trade union bodies:	15 per cent
Agreements with employers' bodies	17 per cent

68. Summary of the second managerial assessment: enrolment, courses and budget for the period January-June 1995 (see annexes 1 to 6)

Vocational training courses

Enrolment	96,981
Number of courses	5,104
Total cost	$Arg 16,216,426.17

Vocational workshops

Enrolment	1,325
Total cost	$Arg 814,260.00

Totals

Total enrolment	98,306
Total cost	$Arg 17,030,686.17

Counterparts

State	34 per cent
NGOs and others	31 per cent
Trade unions	17 per cent
Firms	18 per cent

The vocational training courses were given in the Federal Capital and in 21 Argentine provinces. In terms of occupational areas the most popular were human resources and administration, computer science, building, miscellaneous services, sales, electricity and electronics, agriculture and stockraising and tourism.

Programmes for groups at risk

69. Groups of workers who have the greatest difficulties finding jobs receive attention through ad hoc projects or activities. These groups include young people, particularly those from sectors with low levels of education,

women, who are at a disadvantage because of persistent cultural barriers that restrict their job opportunities, and the disabled, whose opportunities of finding jobs are very limited.

70. In this situation, the vocational Training Department of the Training of the Ministry of Labour and Social Security has adopted measures and implemented programmes to deal with these groups' disadvantages.

71. Programmes for young people. Since it is difficult for young people to join the labour market and there is a gap between training and production requirements, strategies for action have begun to be implemented to promote training for young people as part of the Framework Agreement for Employment, Produtivity and Social Equity.

(a) Special job schemes for young people. The introduction of special job schemes in the form of "job experience" and "job training" (Act No. 24.013) has made it possible to increase employment opportunities for young people by influencing demand for labour through tax incentives for firms (tax breaks on employers' contributions). The contracts are limited to 24 months and take the following two forms:

(i) Job-training contracts. This type of contract is for firms and young people aged up to 24 who receive vocational training for the job they perform while working in the firm. The training takes the form of an individualized sandwich course which is approved by the Ministry of Labour and Social Security. The wages received by young people thus employed are set by the collective bargaining agreement for the branch and occupational category in which they work;

(ii) Job experience contracts. These contracts are drawn up between firms and young people aged up to 24 who have completed an approved training course and are looking for their first job. This type of contract enables young people to gain job experience and use and improve their skills. The basic requirement is that the job experience provided has to match their level of training and specialization.

Job training and job-experience contracts

Results of the period 1992-1995

Job experience	9,465 contracts
Job training	8,808 contracts

The geographical distribution of these contracts is given in annex 3 below.

(b) APRENDER Programme. Decision No. 35/95 established a programme designed to promote employment through apprenticeship. The programme is open to unemployed young people aged between 14 and 25. The apprenticeship contracts are for a minimum of three and a maximum of 24 months. Firms undertake to conclude a contract to satisfy the training objectives of the apprenticeship and to provide proper health coverage. The programmes is

implemented by the Regional Employment Development Offices under the supervision of the Under-Secretariat for Employment (currently the Secretariat for Employment and Vocational Training). Through the APRENDER apprenticeship programme the Ministry of Labour and Social Security is developing the measures introduced by recent legislation in this field in order to bring more people into the labour market.

(c) Apprenticeship contracts. Act No. 24.465 provides for a type of contract (different from a contract of employment) which is designed to establish links between firms and unemployed young people to give them work experience and training and is monitored by the Ministry of Labour and Social Security. Under this type of contract, the contracting firm agrees to give the young person general technical training during the first phase of his contract and to submit an individualized training plan to the Ministry of Labour and Social Security if the contract runs to more than one year. An updated managerial assessment is included in annex 4. Its general characteristics are the following:

(i) The target population includes young people aged between 14 and 25 without training;

(ii) The apprenticeship contract is valid for a minimum of 3 months and a maximum of 24 months;

(iii) If the apprenticeship lasts more than 12 months, the firm is required to submit a description of the training to be provided;

(iv) By law, remuneration amounting to no less than the minimum agreed wage for the job is to be paid for the apprenticeship;

(v) Decree No. 438/95 determines the health and accident insurance coverage which firms are required to provide for apprentices;

(vi) On completion of the apprenticeship, the firm is required to provide the apprentice with a certificate stating the nature, level and duration of the apprenticeship and an assessment of his performance.

72. Programmes for women. Women's participation in the labour market has increased considerably in recent decades, but not under genuine conditions of equality with men. Against this background, the Equal Opportunities for Women in Employment Programme (PIOME) has been under way since 1993; it is the result of joint action by two government departments: the Ministry of Labour and Social Security and the National Council for Women. Its main objective is inter-agency cooperation to ensure compliance with the undertaking to eliminate all forms of discrimination against women in employment, a measure which was decided by Act No. 23.279 and which acquired constitutional status when it was incorporated into the 1994 reform. One of the channels for achieving equal employment opportunities is vocational training for women.

This is why the Vocational Training Department has encouraged specific occupational training measures to make it easier for women to enter the various sectors and levels of employment.

73. The objectives of the framework agreement signed by the Ministry of Labour and Social Security and the National Council for Women include promoting vocational guidance, vocational training, retraining and skills training for working women.

74. In order to put women on an equal footing and make them less vulnerable, an additional protocol to the above-mentioned framework agreement was signed in order to implement the subprogramme on vocational guidance services for women. The following measures have been implemented through the subprogramme in order to increase vocational training for women.

(a) The Employment Guidance Services for Women Programme (SOLAM) has been operating since 1994. It is the result of joint action by the Ministry of Labour and Social Security and the National Council for Women and is designed to set up services specializing in vocational guidance and vocational training for women. Its purpose is to help improve the terms on which women enter and remain in the labour market and it provides for the establishment of specialized services at the municipal level. It will be implemented on a step-by-step basis, with responsibilities being shared by the administrative sectors and levels involved. Initially, activities were carried out in three of Argentina's provinces on the basis of the following additional protocols to the framework agreement:

(i) Additional protocol with Misiones province for the implementation of a vocational training project to provide women with vocational guidance.

Beneficiaries		50
Amount invested	$Arg	36 000

(ii) Additional protocol with Jujuy province for the implementation of the vocational training project to provide women with vocational guidance.

Beneficiaries		50
Total investment	$Arg	36 000

(iii) Additional protocol with Santa Fe province for the implementation of the vocational training project to provide women with vocational guidance.

Beneficiaries		50
Total investment	$Arg	36 000

It is intended that the programme should be implemented gradually in other Argentine provinces.

(b) Other programmes. A general description of other vocational training activities for women in the period 1993-1995 is given below.

(i) 1993. Activities were carried out in the Federal Capital and in four Argentine provinces (Salta, Mendoza, Misiones and La Pampa), with the following results:

Beneficiaries	2 275
Total investment	$Arg 280 346

The following courses were given: training for trainers, personal computer operators (design, layout and typesetting), business management, industrial tailoring and dressmaking, upholstering, caring for children and the elderly, dental assistants, micro-enterprise management and elementary cooking.

(ii) 1994. Activities were carried out in the Federal Capital and in six Argentine provinces (Sante Fe, Córdoba, Buenos Aires, Chaco, Tucumán and La Pampa), with the following results:

Beneficiaries	909
Total investment	$Arg 283 311

Courses were given on the following subjects: hotel management, agro-industry, the clothing industry, micro-enterprises, computer science, caring for children and the elderly, crop farming and horticulture and tailoring and dressmaking.

(iii) 1995. Activities were carried out in the Federal Capital and in five Argentine provinces (Misiones, Santa Fe, Buenos Aires, Córdoba and Tucumán), with the following results:

Beneficiaries	2 298
Total investment	$Arg 436 668

The beneficiaries include 30 female micro-entrepreneurs.

(iv) Other measures. Inclusion in the Ministry of Labour and Social Security's Registry of Training Institutions of institutions offering and providing training for women. Such institutions are classified as training providers under the Productive Retraining Support Programme.

75. Programmes for the disabled. The International Labour Organization defines a person who is disabled for employment as an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment.

76. ILO Convention No. 159 was approved by Argentina through Act No. 23.462, which provides a framework for the successive phases of vocational guidance, occupational training and job placement which constitute employment rehabilitation for disabled persons. The legal framework is supplemented by National Employment Act No. 24.013, which provides for the implementation of

programmes for the disabled, and by Act No. 24.408, which emphasizes the responsibility of the Ministry of Labour and Social Security in respect of the disabled.

77. In 1992, the Inter-agency Cooperation Agreement was signed by the National Advisory Commission for the Integration of Disabled Persons and the Under-Secretariat for Vocational Training of the Ministry of Labour and Social Security to implement the 1992-1997 vocational guidance and training programme, which provides that disabled persons should be included in regular vocational training courses.

78. In 1994, an Inter-agency Letter of Agreement was signed by the Ministry of Labour and Social Security, the Ministry of the Economy, the Advisory Committee for the Integration of Disabled Persons, the National Special Education Department, the Technical Education Department of the Municipality of Buenos Aires, the Argentine Union of Industries and the Trade Union Association of the General Confederation of Labour to unify and coordinate programmes carried out by the various institutions and to introduce a system under which technical training is the cornerstone of participation in the labour market and income generation for the disabled.

79. Some examples of initiatives in this field are given below:

(a) The inclusion in the "Training for trainers" course of a unit on "Understanding disability", whose content is intended to enhance the skills and preparedness of trainers;

(b) Inclusion in the Ministry of Labour and Social Security's Registry of Training Institutions of training institutions for disabled persons. These institutions will be classified as training providers under the Productive Retraining Support Programme;

(c) In Argentina's interior and in the greater Buenos Aires area, support was provided for education and training measures. They include the establishment of a workshop for the physically disabled, leading to employment, in the province of Mendoza. The workshop provides training in the manufacture of orthopaedic prostheses and articles. It is also planned to include other skills such as carpentry, welding, upholstery and tailoring and dressmaking;

(d) Training courses were organized in Santa Fe province to provide mentally disabled persons with training in carpentry and basketwork. The programme is intended to benefit 230 persons;

(e) In Tucumán province, the Under-Secretariat for Vocational Training has provided support for courses in bricklaying to be given in a special school. The courses benefited 80 persons suffering from slight mental impairment;

(f) Technical and financial support was provided through an agreement with the town of Lomas de Zamora for courses for personal computer operators attended by 130 persons suffering from slight mental impairment.

(g) The Industrial Rehabilitation Centre for the Disabled has drawn up a project for disabled persons which provides for the following stages in integration in the labour market: admission, guidance, vocational training and integration into industrial workshops;

(h) At the beginning of 1995, the Comprehensive Medical Assistance Plan of the Comprehensive Employment and Vocational Training Programme for Disabled Workers (PIEFOPROD), funding for which was provided for by Act No. 24.308, was handed over to the authorities.

International cooperation

Technical and financial cooperation

80. Since June 1994, the United Nations Development Programme (UNDP) has been providing assistance to the Ministry of Labour and Social Security through the Under-Secretariat for Vocational Training (currently the Secretariat for Employment and Vocational Training) in the form of the Norte Argentino y Gran Rosario project. Initially, the project focused on analysing supply and demand for vocational training in the provinces of Norte Argentino and Gran Rosario (Catamarca, Chaco, Formosa, Jujuy, La Rioja, Salta, Santa Fe, which includes Gran Rosario, Santiago del Estero and Tucumán). The project also aimed to identify labour market trends and related vocational training needs and to set up provincial technical teams capable to help to define vocational training guidelines and measures in the various districts. The project cooperated in a pilot retraining experiment involving 10 occupational training centres and helped make them centres of excellence. To this end, working links between firms and trade unions and occupational training centres were established through sponsorship arrangements.

81. In the Norte provinces, the national Government, through the Ministry of Labour and Social Security, has helped to set up eight Regional Employment Development Offices in accordance with decision No. 52/94, in the context of the Employment Act. In conjunction with the provincial authorities, the Regional Offices are primarily responsible for implementing vocational training and employment strategies and for encouraging social partners to participate in designing and running government policies.

82. Occupational workshops. Project ARG./94/007 on "Social and employment policy, vocational training and modernization of collective bargaining" provided the framework for the Occupational Workshops Programme pilot experiment, which introduced two major innovations: self-financed workshops and training for employment (occupational training). On the basis of this experiment, the Government decided to extend the Occupational Workshops Programme throughout Argentina in order to satisfy the pressing demand for training for productive employment and to fill a gap in the vocational training system.

83. The occupational workshops are establishments designed to provide workers with training through short courses that are closely related to the requirements of local labour markets. The courses are strongly practically oriented, without neglecting training in the basic principles of industrial processes and techniques. The occupational workshops are operated along lines

of economic and social efficiency, decentralization, organizational autonomy, social participation and self-assertion. They are intended to provide training both for persons looking for jobs and for persons who have jobs and need retraining and skills upgrading. They also provide high-quality training services for persons seeking their first job and for persons unemployed as a result of industrial restructuring. They provide support and training for workers in micro-enterprises and small and medium-sized enterprises, as well as for owners.

84. The occupational workshops are funded by the following sources: (a) contributions by firms; (b) fees paid by users; (c) scholarships granted by the Ministry of Labour and Social Security and funded by the National Employment Fund.

85. According to the 29 September 1995 status report on occupational workshops, nine occupational workshops were approved, with six already under construction and the construction of the three others still pending, and a further three workshops were under development. Annex 6 to this report gives the location of the workshops (province and town) and the focus of the courses to be given.

86. The measures referred to have set the stage for redefining occupational training strategies. In comparison with traditional strategies aimed at enhancing the training capacity of specialized public institutions, the new trend is towards greater involvement of those directly concerned, thereby making it possible to organize more flexible demand-based procedures.

Financial cooperation

87. Financial cooperation from the Inter-American Development Bank (IDB) is supporting the development of the Productive Retraining Support Programme, on which the Image Project (a guidance component for occupational integration) and the Institutional Support and Strengthening Programme are based.

88. The Productive Retraining Support Programme is an initiative of the national Government, with IDB support. Its main objectives are:

(a) To support the productive retraining process, increasing the supply of semi-skilled workers in occupations where the workforce is insufficient or inadequate;

(b) To make it easier for individuals facing problems of marginality or exclusion from the labour market to find work and participate in society.

89. The objective of the Image Project is to provide support to persons who have been employed and have an occupation, but cannot find a job. Free, short-term courses are offered in an attempt to improve their chances of finding work. These courses are being taught by specialized institutions in the Federal Capital, Greater Buenos Aires and Tucumán Province. The target population is as follows:

(a) Women and men aged 16 and over;

(b) Unemployed persons or persons with employment problems;

(c) Persons with skills who have difficulties getting into the labour market.

90. Entities offering counselling and training include the National Employment Offices.

91. The Image Project management report states that the first call for international public bids for the teaching of 350 courses for 7,000 individuals took place in the Federal Capital, the Buenos Aires metropolitan area (districts of Avellaneda, Lanús, Lomas de Zamora, Morón, La Matanza, Tres de Febrero, San Martín, Vicente López and San Isidro) and Tucumán Province. The courses were due to begin by 3 August 1995. The staff of the State Placement Agency of the Federal Capital and of the provincial and municipal employment agencies were trained as well.

92. The objective of the occupational training component of the Institutional Support and Strengthening Programme is to strengthen the National Employment Network, to set up a guidance and information system that will facilitate entry into the various training components created by the programme and to provide persons trained by the programme with mediation services for finding jobs. With a view to launching the occupational training component, a situational survey and analysis of the National Network of Employment Services has been carried out and activities related to its development are under way.

Employment contracts, including those promoted by National Employment Act No. 24.013 and the employment programmes launched by the Ministry of Labour

93. Indefinite employment contract

(a) Regulatory law: Act No. 20.744 (original text 1976), section III, chapter I, articles 90 to 92;

(b) Definition: This is the basic form of employment contract. All others are considered to be modifications of it. All employment contracts are presumed to be indefinite contracts, unless they are shown to have a special status (construction, rural, etc.) or to conform to a type limiting their duration;

(c) Duration: This type of contract lasts until the worker retires or resigns. The right to stability is not absolute, as early termination must be compensated by a payment proportionate to the person's seniority in the job. The law provides for various forms of compensation for workers who are dismissed, die or become disabled and in the event of the employer's bankruptcy or death. The compensation increases considerably for anyone dismissed because of marriage or pregnancy;

(d) Hours of work: 48 working hours per week or 8 hours per day, except for night work and hazardous work. A 6-hour daily or 36-hour weekly shift is established for minors, for whom night work is prohibited;

(e) Pay: The general provisions laid down in the Employment Contract Act are applicable;

(f) Contributions: The general regime applies;

(g) Termination: Termination may occur as a result of worker-related causes (resignation, disability, retirement or death), employer-related causes (dismissal with or without cause, due to an act of God or to a lack or reduction of work, bankruptcy or death) or by common consent; in the case of dismissal without cause, the employer is obliged to compensate the worker through the payment of an indemnity, which is in proportion to the worker's seniority;

(h) Form: No particular form is required for the validity of the contract, as all that is needed is an agreement between worker and employer;

(i) Working conditions: All persons may be hired under this type, without discrimination as to sex or age. Minors between 14 and 18 years of age must have the consent of their guardians and, if necessary, of the school authorities;

(j) Other specifications: For the work of minors, equality of remuneration, apprenticeships and vocational guidance are established and governed either by current provisions or by provisions to be issued subsequently. The work of women, in which discriminatory treatment is prohibited and maternity protected, is also regulated.

94. Fixed-term employment contract

(a) Regulatory law: Act No. 20.744 (1976), section III, chapter II, articles 93 to 95;

(b) Definition: This type of contract is valid for the duration of the agreed period;

(c) Duration: Until the end of the agreed period, which may not exceed five years;

(d) Hours of work: The general provisions apply;

(e) Pay: The general rules apply;

(f) Contributions: The general regime applies;

(g) Termination: In order to terminate the contract, the employer must provide not less than one month, but no more than two months', prior notice, except for contracts of less than one month's duration. Dismissals without cause that occur before the end of the agreed period entitle the worker, in addition to the appropriate compensation for termination of the contract, to compensation for damages under ordinary law;

(h) Form: The duration of the contract must be established expressly and in writing;

(i) Working conditions: There are no specific requirements;

(j) Other specifications: When the contract terminates upon prior notice and it has been in force for the entire period, the employer must pay the worker compensation equivalent to half of the amount to which he would be entitled in case of dismissal without cause, prior to the end of the period, as long as it has not been less than one year.

95. Seasonal employment contract

(a) Regulatory law: Act No. 20.744 (1976), section III, chapter III, articles 96 to 98;

(b) Definition: This type of contract is concluded when the relationship between the parties, based on ongoing needs of the enterprise or operation, occurs only at certain times of the year and is likely to be repeated in each cycle due to the nature of the activity;

(c) Duration: Although the work performed under this type of contract is discontinuous, these are contracts of indefinite length and therefore with no pre-determined duration;

(d) Hours of work: The general rules apply;

(e) Pay: The general rules apply;

(f) Contributions: The general regime applies;

(g) Termination: The rules for indefinite employment contracts apply. However, in the case of dismissal without cause, where the periods usually corresponding to the cycle or season have not expired, the employer must pay compensation for dismissal without cause, in addition to damages arising under ordinary law;

(h) Form: No specific form is required;

(i) Working conditions: There are no specific requirements;

(j) Other specifications: Prior to the start of each season, the worker must indicate his willingness to take on the post or job, in which case the employer will be responsible for the consequences of termination if he does not agree to renew the working relationship.

96. Temporary employment contract:

(a) Regulatory law: Act No. 20.744 (1976), section III, chapter IV, articles 99 to 100;

(b) Definition: This type of contract covers workers' activities undertaken to achieve specific results which have been anticipated by the employer in relation to pre-determined special services or to special temporary requirements of the firm, as long as a definite period cannot be predicted for the completion of the contract. Under this type of contract,

workers may not be hired to replace workers who have stopped working because of labour union activities. If the firm has dismissed or suspended employees owing to a lack or reduction of work during the prior six months, it may not replace the persons affected by those measures by means of this type of contract;

(c) Duration: The contract ends upon completion of the work, the performance of the activity or the provision of the services for which the worker was hired;

(d) Hours of work: The general rules apply;

(e) Pay: The general rules apply;

(f) Contributions: The general rules apply;

(g) Termination: The contract is considered terminated when the job for which the worker was hired is completed and the employer is not obliged to give any prior notice;

(h) Form: There are no formal requirements. The employer is responsible for proving that he has hired under this type of contract;

(i) Working conditions: There are no specific requirements;

(j) Other specifications: If the purpose of the temporary contract is temporarily to replace permanent workers of the firm on legal or conventional leave or who are entitled to hold onto their post indefinitely, the name of the worker being replaced must be cited in the contract. If, when the replaced worker returns, the hired worker continues to provide services, this contract becomes one of indefinite duration. The same applies if he continues in the post once the leave ends. Should the purpose of the contract be to meet special market requirements, the contract should clearly state what those requirements are. The duration of the situation giving rise to these contracts may not exceed six months per year, up to a maximum of one year, over a three-year period.

97. Group or team-work employment contract:

(a) Regulatory law: Act No. 20.744 (1976), section III, chapter V, articles 101 to 102;

(b) Definition: This type of contract is concluded by an employer with a group of workers who, acting through a delegate or representative, undertake to provide the services required for the employer's activity. The employer has the same duties and obligations with regard to each member of the group as an individual concerning restrictions on the nature of the tasks and the makeup of the group;

(c) Duration: This type of contract may be concluded for either an indefinite or a fixed period of time;

(d) Hours of work: The general rules apply;

(e) Pay: If the agreement is a collective one, the workers are entitled to be paid the amount corresponding to their contribution to the outcome of the work;

(f) Contributions: The general rules apply;

(g) Termination: The applicable rules are those of the indefinite or fixed-term contract, as appropriate;

(h) Form: There are no formal requirements;

(i) Working conditions: There are no specific requirements;

(j) Other specifications: If a worker leaves the group, the representative must replace him, proposing a new member for approval by the employer, if the nature of the tasks and skills so requires. The worker leaving the group is entitled to be paid for his share of the work already performed.

New types of contracts

98. In order to promote employment, Act No. 24.013, adopted in 1991, provides for new types of contracts, called "promoted" contracts. The types of contracts "promoted" by the National Employment Act are:

(a) Employment contract for a specified period, as a means of encouraging employment;

(b) Employment contract for the launching of a new activity;

(c) Work-experience employment contract for young people;

(d) Work training contract.

99. The following rules apply to these four types:

(a) The principle of equal treatment applies both for permanent workers and for those hired under such contracts;

(b) "Promoted" contracts are to be executed through collective labour agreements. Such agreements are to be formalized in a special instrument approved by the Ministry of Labour;

(c) These contracts must be prepared in written form, with copies distributed to the worker and to the labour union that represents him within 30 days. Within the same period, the worker must register the contract with the Consolidated Labour Registry Service;

(d) The employer must inform the appropriate labour union of its intention to hire under these contracts;

(e) The implementing authority monitors compliance with the legal requirements, either on its own or through labour union bodies;

(f) The total number of workers hired under these contracts may not exceed 30 per cent of the permanent staff of each establishment. Firms with between 6 and 25 workers may hire up to 50 per cent of such workers; those with not more than 5 workers, 100 per cent;

(g) If the employer does not comply with any of the legal requirements, the contracts concluded under such procedures will be converted into indefinite employment contracts;

(h) The number of persons hired must exceed the total average staff number of the previous six months;

(i) Contracts may not be concluded under such procedures by firms which have effected collective dismissals for any reason in the 12 months prior to conclusion of the contracts and subsequent to the adoption of the National Employment Act or which have been involved in collective disputes, unless otherwise agreed during collective bargaining or unless there was just cause for dismissal;

(j) The employer may not collectively suspend or dismiss workers during the six months following conclusion of a contract under such procedures;

(k) The employer must give 30 days' prior notice of termination of the contract or pay compensation equivalent to one-half month's wages for contracts not exceeding one year or equivalent to one month's wages for contracts exceeding one year;

(l) Upon completion of "promoted" contracts, except for work-experience contracts for young people and work-training contracts, the employer must pay one-half month's wages, as well as compensation in lieu of prior notice, if no prior notice was given;

(m) If the contract is broken prior to its expiration date, the employer must pay the compensation provided for in the Employment Contract Act, plus damages under ordinary law.

100. Employment contract for a specified period, as a means of encouraging employment:

(a) Regulatory law: National Employment Act No. 24.013, articles 43 to 46;

(b) Definition: This type of contract is concluded between employers and workers registered as unemployed with the Employment Services Network or who have stopped working in the public sector as a result of administrative streamlining;

(c) Duration: The contract must indicate its duration, which may not be less than 6 months or more than 18 months (including renewals). Renewals must be for periods of at least six months. In conformity with article 108 of

the National Employment Act, the minimum duration may be three months if the employer is the national, provincial or municipal Government, as part of an occupational emergency programme;

(d) Hours of work: The rules of the Employment Contract Act apply;

(e) Pay: The rules of the Employment Contract Act apply;

(f) Contributions: Enterprises hiring under this procedure are exempt from 50 per cent of employer contributions;

(g) Termination: See general provisions;

(h) Form: The general provisions apply;

(i) Working conditions: Unemployed workers registered with the Employment Services Network, including those who have stopped working in the public sector as a result of administrative streamlining, may be hired under this procedure;

(j) Other specifications: Firms may not use this procedure to fill posts that have remained vacant during the previous six months, except where authorized by collective bargaining or the administrative authority.

101. Employment contract for a specified period to launch a new activity:

(a) Regulatory law: National Employment Act No. 24.013, articles 47 to 50;

(b) Definition: This type of contract is concluded between employers and workers for services to be provided in a new establishment or on a new production line of an existing establishment;

(c) Duration: The contract must be concluded for a minimum of 6 months and a maximum of 24 months, including renewals, which, once agreed upon, will be for a minimum of 6 months. Regardless of the date on which they are concluded, these contracts are to terminate four years after the start of the new activity;

(d) Hours of work: The provisions of the Employment Contract Act apply;

(e) Pay: The provisions of the Employment Contract Act apply;

(f) Contributions: Firms hiring workers under this procedure are exempt from 50 per cent of employer contributions;

(g) Termination: See general provisions;

(h) Form: See general provisions;

(i) Working conditions: There are no specific requirements;

(j) Other specifications: Firms concluding this type of contract may not collectively suspend or dismiss workers from the former establishments or production lines during the year following conclusion of contracts under this procedure without good cause. Otherwise, the new contracts are to be converted into indefinite contracts.

102. Work experience contracts for young people

(a) Regulatory law: National Employment Act No. 24.013, articles 51 to 57;

(b) Definition: This type of contract is concluded between employers and young people up to age 24 with previous training who are seeking their first job for the purpose of applying and improving their skills;

(c) Duration: This type of contract lasts one year;

(d) Hours of work: The provisions of the Employment Contract Act apply;

(e) Pay: The provisions of the Employment Contract Act apply;

(f) Contributions: Firms are exempt from 100 per cent of employer contributions;

(g) Termination: See general provisions;

(h) Form: See general provisions;

(i) Working conditions: The worker must prove he has had the technical, occupational or work training for this type of work experience, by means of a certificate recognized by the Ministry of Labour and Social Security. Any certificate accepted by the Ministry of Education will automatically be recognized by the Ministry of Labour and Social Security;

(j) Other specifications: The employer must furnish a certificate of the termination of the contract stating the experience which was acquired on the job and is to be validated by the relevant administrative authority.

103. Work-training contract:

(a) Regulatory law: National Employment Act No. 24.013, articles 58 to 65;

(b) Definition: This type of contract is concluded between employers and young people under age 24 without previous training who are seeking their first job, for the purpose of acquiring theoretical and practical training to use on the job;

(c) Duration: This type of contract may be concluded for a minimum of four months and a maximum of two years;

(d) Hours of work: The Ministry of Labour and Social Security must draw up a general plan for alternating training and work, with which these contracts must comply. The work is to be done on the firm's premises. The training is to take place in the firm, provided that it has a specialized centre for that purpose; if not, it is to be conducted by a competent body (section V, chapter 1, of Act No. 24.013). Between one fourth and one half of the worktime should be spent on training, although the time spent on training may either be concentrated or alternated with the actual work in the firm;

(e) Pay: The enterprise must remunerate the worker for the time spent on the job in the firm, while the National Employment Fund pays for the time spent on training;

(f) Contributions: Firms hiring workers under this procedure are exempt from 100 per cent of employer contributions;

(g) Termination: See general provisions;

(h) Form: See general provisions;

(i) Working conditions: To be under 24 years of age and lack previous training;

(j) Other specifications: Once the contract is ended, the firm must furnish a certificate stating the experience acquired on the job and the training received by the worker, which is to be validated by the relevant administrative authority.

See annexes 1 and 2. Evaluations of Job Training Programme; 3. Geographical distribution of work-training contracts; 4. Evaluation of the Apprenticeship Contracts Programme; 5. Evaluation of the Vocational Training Programme. Activities for women; 6. Occupational workshops; see also annexes 7 and 8.

Article 7

104. Argentina has ratified the following International Labour Organization conventions which are relevant to this article of the Covenant.

Convention	Ratification recorded on:
Weekly Rest (Industry) Convention No. 14	26 May 1936
Minimum Wage Fixing Machinery Convention No. 26	14 March 1950
Labour Inspection Convention No. 81	17 February 1955
Equal Remuneration Convention No. 100	24 September 1956
Labour Inspection (Agriculture) Convention No. 129	20 June 1985

105. There have been no changes in the information on wage fixing since Argentina submitted its initial report; please refer to paragraphs 125 et seq. of that report.

106. As indicated in the information provided in Argentina's initial report, the minimum wage is defined by article 16 of the Employment Contract Act as "The lowest legal daily wage that may be paid in cash to workers with family responsibilities so as to ensure them adequate food, decent housing, education, clothing, health care, transport, leisure, holidays and social security". This definition corresponds to ILO Convention No. 26, adopted by the Argentine Republic through Act No. 13.560.

107. According to the Act, the following conditions apply to the minimum wage:

(a) It may not be seized, except in respect of debts for maintenance payments;

(b) No wage lower than the minimum wage may be paid except in the specific cases provided for by article 119 of the Act;

(c) It may be expressed as a monthly, daily or hourly amount;

(d) It applies to all workers aged over 18.

108. Articles 135 to 138 of the Employment Act established the National Council on Employment, Productivity and an Index-Linked Minimum Living Wage. The Council's functions include periodically setting the minimum index-linked living wage (article 136 (a)); three main factors determine the minimum wage: the economic situation, the Council's objectives; and a reasonable balance between these two factors.

Normative framework for the implementation of the principle of equality and non-discrimination

109. The social, cultural, political and economic changes which have had a deep impact both in Argentina and throughout the world in recent decades have been closely linked to women's growing participation in society. Social awareness of discrimination has also developed, giving rise to debates, studies and research on the topic.

110. In 1956, ILO Convention No. 100, Equal Remuneration Convention, 1951, was approved by Act No. 14.467. Argentine legislation contains a specific act on the subject, Act No. 20.392 of 16 May 1973, which refers to the equal worth of work performed by women, stating that: "There shall be no distinction in remuneration for work of equal value performed by men and women". It also states that: "Any provision to the contrary in a collective labour agreement entered into or renewed after the date of entry into force of this Act shall be null and void".

111. Argentina adopted the Convention on the Elimination of All Forms of Discrimination against Women by means of Act No. 23.179 of 1985. In view of the new rights recognized under the constitutional reform and in conformity

with article 75, paragraph 22, the Convention has constitutional status. Article 14 bis of the Constitution extends the protection of the law to the various forms of work and guarantees, inter alia, the right to equal pay for equal work.

112. The National Council for Women was set up in March 1991; it now ranks as a Secretariat of State and serves to ensure compliance with the Convention on the Elimination of All Forms of Discrimination against Women. Moreover, article 75, paragraph 23, of the Constitution authorizes the National Congress to take affirmative action on behalf of women to ensure that they actually enjoy equal opportunities and treatment and the full exercise of the rights recognized by the Constitution and international treaties.

113. Article 172 of Employment Contract Act No. 20.744 states that: "Women may enter into any kind of contract of employment; neither collective bargaining agreements nor approved regulations may authorize any form of discrimination in employment based on sex or marital status, even if the latter changes in the course of employment. Any collective bargaining agreements or wage rates introduced shall ensure full compliance with the principle of equal pay for equal work". Article 81 further stipulates that: "Employers shall treat all workers equally in situations that are identical. Unequal treatment shall be deemed to exist when there is arbitrary discrimination on grounds of sex, religion or race, but not when different treatment is in keeping with principles of the common good, such as that based on the efficiency, industriousness and devotion to duty of workers".

114. In March 1995, the National Congress adopted the Employment Development Act. For the purpose of issue under consideration, contracts concluded under the Act entitle employers to a 50 per cent reduction in contributions, with the exception of welfare contributions.

Women in the labour market

115. In recent years, the female labour force participation ratio in Argentina has increased considerably. From only 21.9 per cent of the labour force in 1960, the share of women rose to 36.1 per cent by 1991 (according to the National Population and Housing Censuses for 1960 and 1991). This trend is confirmed by another source: while the female labour force participation ratio in Greater Buenos Aires was 32.8 per cent in 1980, it rose to 38 per cent by 1994, a 16 per cent increase.

116. Women's growing participation in the labour market is the result of two main factors. The first is economic trends: within an expanding and resolutely outward-oriented economy, female participation ratios will rise as demand for labour increases and the opportunity cost of women's time outside the labour market increases. The second is that, as more women enter the labour market, there is a marked change in attitudes towards and about women (particularly married women) from the standpoint of men's shared responsibility for household chores and child care. Another indicator of possible trends in the female activity ratio is to be found in the experience of other economies. In view of female activity and participation ratios in other parts of the world, it is likely that the supply of female labour on the Argentine labour market will increase in the coming years.

Direct policy measures

117. The Ministry of Labour and Social Security has carried out a range of employment and vocational training programmes financed by the National Employment Fund, established by title VIII of Act No. 24.013 and made up of contributions and other resources. The programmes implemented in 1994 and 1995 include the following: the Intensive Labour Programme (PIT), the Social Focus Programme (PROEDIS), the National Internship Programme (PRONAPAS) and the Social Focus Programme (PRIDIS). Women participated in all of these programmes in varying degrees.

118. As far as the first programme is concerned, the rate of female participation was only 14.2 per cent in some provinces, while in others (Formosa, La Rioja and the city of Buenos Aires), it was as high as 35.5 per cent; the rate is improving year by year. PROEDIS, which funds work on community-interest projects, has focused on building projects, which is why the level of participation by women is low. It nevertheless reached 50 per cent in some provinces. PRIDIS is a programme designed to optimize the resources assigned by national agencies participating in the social plan to provide public works and services. A total of 39 per cent of the posts financed by the Ministry under this Programme were held by women. PRONAPAS, which began in November 1994, had a total enrolment of 4,300 internees at the end of the year, 30 per cent of whom were women. In some provinces, however, more internships were assigned to women, who occupied 60 per cent of the posts available.

119. In 1994, through agreements Nos. 333 and 334, the Employment Guidance Service for Women (SOLAM) was set up under an existing agreement between the Ministry of Labour and the National Council for Women. SOLAM's purpose is to provide ad hoc guidance, information and advice for women seeking employment or career development. It is also designed to provide means of actively and permanently seeking information on work and vocational training and to establish inter-agency networks for managing programmes and measures designed to improve the situation of working women. It involves young and adult women who wish to work for the first time or to return to work after a long period outside the labour market, as well as unemployed women. The coordinating agencies draw up agreements for joining SOLAM in each province. At the beginning of this year, SOLAM had 57 offices operating in the provinces of Misiones, Jujuy and Santa Fe and 82 employment counsellors had been trained. There are plans to continue SOLAM and extend it to other provinces and towns.

120. These policies also include the Youth Project, which is designed to provide training for young people of both sexes in order to improve their chances of finding work while supporting the growth of firms that need skilled labour, by providing free semi-skilled vocational training. The Project is part of the national Productive Retraining Support Programme, which began in 1992 and is jointly operated by the Ministries of Labour and Finance.

121. Responsibility for providing the training courses and internships lies with training institutes which call for tenders after having prepared their bids jointly with industrial firms. The fourth call for tenders is currently under way and the most up-to-date information on the level of participation by women corresponds to activities under the second call for tenders. At that

stage, women accounted for approximately 50 per cent of participants and, in terms of choice of subject, there was an improvement in their choice of non-traditional activities (a larger number of female participants chose such courses). As a result, women were present in virtually all the courses offered.

122. Machinery was established specifically to increase the quality of participation by women through meetings with training institutes, the National Council of Women and various firms and the preparation of information kits for women.

Indirect policy measures

123. Title IV of Act No. 24.013 established a comprehensive system of unemployment benefits for all employees whose employment contract is governed by the Employment Contract Act; it defines conditions of access, the necessary period of contributions, the level of benefits, additional benefits and the obligations of employers and beneficiaries. These benefits are financed by the National Employment Fund and 23.6 per cent of the beneficiaries of unemployment insurance are women (see annexes, 9, 10 and 11).

Article 8

124. Argentina has ratified the following International Labour Organization conventions which are relevant to this article of the Covenant.

Convention	Ratification recorded on:
Freedom of Association and Protection of the Right to Organise Convention (No. 87)	10 January 1960
Right to Organise and Collective Bargaining Convention (No. 98)	24 September 1956
Labour Relations (Public Service) Convention (No. 151)	21 January 1987
Collective Bargaining Convention (No. 154)	29 January 1993

125. With regard to the provisions of article 8 of the International Covenant on Economic, Social and Cultural Rights, article 14 bis of the Argentine Constitution stipulates that "Work in its various forms shall enjoy the protection of the law, which shall guarantee the worker ... free and democratic trade union organization subject to no other formality than registration in a special register". The Argentine legal system reaffirms this constitutional principle and the relevant international provisions and regulates the establishment, operation and activities of workers' trade unions in Act No. 23.551, promulgated by the Executive on 14 April 1988 and published in the Boletín Oficial on 22 April 1988, and its enabling Decree No. 467/88 of 14 April 1988.

126. The first section of the Act which relates to the protection of trade union freedom, embodies the constitutional principle of "free and democratic trade union organization subject to no other formality than registration in a special register" (article 14 bis). The Act incorporates the content of the relevant international agreements which have been ratified, particularly ILO Conventions Nos. 87, 98, 151 and 154.

127. Article 4 of the Act determines to which rights workers are and are not entitled and its first subparagraph sets forth the right "freely and without the need for prior authorization to form trade union associations". Workers have the right to establish or found trade unions "of their own choosing" (ILO Convention No. 87, art. 2). This implies dual protection both in respect of the State - there is no need for prior authorization to exercise the right to found a trade union - and in respect of employers, who are required to refrain from any form of interference intended to promote, impede or hinder workers' freedom to establish trade unions. On account of the special nature of trade unions, freedom to establish them is subject to regulation by the law, provided it does not impair this guarantee (ILO Convention No. 87, art. 8). The right of workers to found trade unions is comprehensive. Article 21 of the Act regulates the provisions of the Constitution in a reasonable manner and sets forth only formal requirements with which the application for registration has to comply. Trade unions are registered on submission to the Ministry of Labour of their application containing the following: (a) its name, address, assets and the background to its founding; (b) a list of members; (c) the names and nationality of the members of its governing organ; and (d) its statutes. The Labour Administration, which is the authority responsible for enforcing the Act checks the documentation submitted and issues a decision authorizing registration and issuing a registration number. From the date of registration (which corresponds to the authorization referred to in article 55 in fine of the Civil Code), the association acquires the status of a legal person and may acquire rights and take on contractual obligations in conformity with the relevant provisions of Act. No. 23.551.

128. As to the right of membership, article 4 (b) of Act No. 23.551 recognizes the trade union right of workers to join, not to join or to leave existing associations, thereby giving effect under domestic law to the last part of article 2 of ILO Convention No. 87, in accordance with which "workers ... shall have the right ... to join organizations". This reflects the individual right of workers to withdraw from the trade union with or without reason. The right to join is regulated in detail by article 2 of decree No. 467/88, which lays down restrictive conditions for refusing membership on the following grounds: (a) failure to satisfy the formal requirements set forth in the statutes; (b) not being employed in the activity, occupation, trade, category or firm represented by the trade union; (c) expulsion from a trade union less than one year previously; (d) having been indicted or convicted for an offence against a trade union. The Act stipulates that failure of the trade union to respond within a period of 30 days entails its acceptance of the application for membership.

129. The regulations provide that a decision to refuse membership must be taken through the association's internal procedure and the governing body is required to set the facts before the decision-making organ, with provision for

appeal to the labour courts. They also relate to the procedure for giving up trade union membership, requiring such decisions to be taken by the governing body within 30 days; the absence of a response on its part signifies acceptance of the application to give up membership and means that the worker may inform the employer of his decision so that his membership contributions may no longer be withheld from his salary; if the employer refuses or proves reluctant, the worker has the right to refer the matter to the Ministry of Labour and Social Security.

130. In chapter II entitled "On joining and giving up membership", articles 12 to 15 of Act No. 23.551 define the right to join in positive term as the right to become a member of an association. According to article 12, "Membership of trade union associations shall be open, in accordance with this Act and its statutes, which must be in conformity with the Act". This right is protected by the provisions of article 47 of the Act, which protects all workers or trade union associations prevented or hindered from normally exercising the right to take part in trade union activity. In addition, article 53 defines unfair practices on the part of employers as any form of conduct contrary to the ethics of professional labour relations and constituting a collective offence committed by an employer or employers' organization. Such unfair practices are defined in paragraph (c) as obstructing, hindering or preventing workers from belonging to an association governed by the regulations and in paragraph (d) as encouraging or sponsoring their membership of a particular trade union association. Article 54 determines the grounds for legal action to penalize unlawful conduct. Article 55 sets forth the legal consequences and the range of penalties applicable to persons guilty of the collective offence. By defining unfair practices, article 53 offers one means of protecting trade union activity. All such means are based on the principle of trade union freedom.

131. The only grounds for refusing an application for membership contained in the statutes of trade unions are those listed in article 2 of decree No. 467/88.

132. The right to found trade unions is no longer restricted to a particular category of workers, such as Government or private employees, as was the case under all previous legislation. No distinction is made between office and industrial workers or manual and intellectual workers; a single trade union composed of executives (hierarchy), shop-floor workers, professionals and blue-collar and white-collar workers may thus be formed. The right freely and autonomously to found trade unions is interpreted broadly.

133. The Act requires members to be aged at least 14 and anyone who applies to join a professional association of workers has to be a worker employed in the activity in question or in an activity related to that of the trade union to which he applies or must exercise the trade, profession or skill represented by the trade union or provide services in the firm whose workers have formed a trade union association, in conformity with the requirements of article 10 (c) of the Act.

134. The Act uses the modern-day term "worker", which covers manual and intellectual workers in the private sector and in the State sector. Separate conceptualization of the term "public employee" as distinct from the term

"worker" has always been without practical implications for the trade unionism of State workers, as the structuring of trade unions for State workers took place alongside that of other associations and their right to form trade unions has never been called into question. There is no reason why a trade union should not exercise collective rights such as collective bargaining, the right to strike and other means of conflict resolution. Article 10 of the Act refers to the types of trade union associations that may exist: "The following shall be considered trade union associations of workers: those formed by (a) the workers of a single activity or related activities; (b) workers exercising the same trade or profession or in the same category, even if they are employed in different branches; (c) workers providing services within the same firm". The Act does not introduce any innovations in types of trade union and does not require them to reapply for legal status, but it does introduce a legislative policy which is designed to influence trade union structure in future and which is limited to the requirements for granting trade union status.

135. A characteristic phenomenon of recent decades has been the establishment of unions representing the same occupation or professional trade unions, known as executive staff unions, a term used in comparative labour theory. An example is the metal workers' trade union for shop-floor workers and the union representing supervisors in the metal industry. The unionization of workers in the same occupation and of professional staff jointly or separately was characteristic of State employees, particularly in State enterprises, although such trade unions also exist in the private sector. The current Act, No. 23.551, has abolished the restriction under the previous Act, No. 22.105, barring joint membership of shop-floor workers and supervisory staff in the same trade union.

136. In the exercise of trade union freedom, workers are entitled to establish any of the types of trade union indicated in article 10 of Act No. 23.551. A trade union representing a variety of trades is the only kind not allowed by the Act and its registration may be refused on these grounds.

137. Current Argentine legislation respects trade union rights and places no restrictions on workers who, in the exercise of their rights, decide to establish a trade union. No minimum number of members is required for a trade union association to be granted registration.

138. The right to form federations is expressly provided for in Act No. 23.551. The rights which workers may collectively exercise include the right to "adopt the type of organization they deem appropriate, to approve its statutes and to form higher-level associations, to affiliate themselves to those that exist or to withdraw from them ..." (art. 5). Article 5 of decree No. 467/88 regulating article 12 of the Act stipulates that "Federations may not refuse applications for membership from associations of the first level representing workers by activity, trade, occupation or category specified in the regulations of the federation concerned. Likewise, confederations may not refuse federations, unions and professional associations that meet the requirements provided for in the regulations of the confederation concerned. Trade union associations at the second and third levels may cancel the membership of affiliated trade union associations only by means of a decision adopted by a secret ballot of 65 per cent of the delegates present during an

extraordinary congress convened for the purpose. Trade union associations may withdraw from those at the higher level to which they belong, without any restriction."

139. In chapter I entitled "Forms of trade union associations", article 11 of the Act lists the types of trade union associations according to level: "Trade union associations may take one or more of the following forms: (a) Unions of various types; (b) federations of associations of the first level; (c) confederations which group associations covered by the preceding subparagraphs".

140. The terms used in the Act are not binding on workers; unions may describe themselves as associations or unions, but it should be stressed that, whatever terms are used, the principles of trade union freedom, autonomy and internal democracy must be respected. The choice of form of organization depends on the workers. Whatever the structure, it must comply with the principles and procedures of internal democracy; freedom to join must be allowed by associations at the first and second levels and provision must be made for right to withdraw or resign.

141. In conformity with the provisions of article 20 of the Act the deliberative body must "approve ... affiliation to or withdrawal from national or international associations ...". Article 18 of decree No. 467/88 regulating article 20 of the Act stipulates that "Except as provided in article 36 of this Act, membership of national or foreign associations whose statutes authorize them to participate in the management, administration or handling of the property of their members shall be prohibited".

142. Annexes 12 to 31 contain tables showing data on the number and structure of trade unions established in Argentina and on their composition.

Article 9

143. Argentina's Single Social Security System provides for old age, disability, survivors', industrial accident, unemployment and family allowance benefits. The social insurance subsystem is funded primarily by payments and contributions (11 and 16 per cent, respectively) and by tax revenue.

Year	Payments and contributions (%)	Funds (%)	Others (%)
1993	63.7	29.2	7.1
1994	63.1	33.9	3.0
1995	62.4	35.9	1.7

Source: Ministry of Labour and Social Security.

Social insurance payments

Average pension scheme assets

144. The average assets of the social insurance system increased by 8.4 cent between 1993 and 1995. The figures for social security expenditure as a percentage of gross domestic product (GDP) are given below on the basis of information prepared by the Ministry of Labour and Social Security:

Year	Percentage
1993	7.0
1994	7.0
1995	6.7

145. According to the Ministry of Labour and Social Security, the share of social security expenditure in total expenditure in the Argentine public sector is as follows. In 1985, 17.1 per cent of expenditure in the Argentine public sector was destined for social security. As can be seen, a rise occurred, due mainly to two factors: an increase in the number of beneficiaries, from 2,743,000 in December 1985 to 3,261,000 in July 1995; and the recognition by the State of the debts built up during the years when the guidelines for indexation of incomes laid down in applicable legislation were not respected, as adjustment mechanisms were used which tied the total payments to available resources.

146. There are groups in the population for which participation in the social insurance system is difficult, since they form a marginal group with low incomes, poor levels of education and a poor degree of integration with the rest of society because they live in extremely poor urban areas (slums) or in rural areas (small farmers, smallholders, labourers without permanent jobs, etc.). In order to provide assistance and redistribute incomes, the State has instituted what are known as discretionary or non-contributory benefits. These are old age or disability allowances designed to help the worst off and covering those in a situation of relative poverty who have not made the contributions needed to give rise to an ordinary pension.

147. Since 1991, another vulnerable group has also benefited from protection - mothers with seven or more children. It should be noted that unmet demand for this type of allowance is substantial and there is every reason to think that, in the future, the number of cases handled will continue to rise (see annex 35, Public expenditure on social security as a percentage of GDP; annex 36, Share of social security expenditure in total public expenditure; annex 37, Share of public expenditure on social matters in total public expenditure; and annex 38, Public expenditure on social matters as a percentage of GDP).

Non-contributory pensions - number of payments made
(figures in December of each year)

Year	Old age and disability pensions	Allowances for mothers with seven or more children
1993	99 377	13 879
1994	112 785	24 535

Source: National Social Security Administration.

148. In welfare matters, women enjoy the same treatment under the law as men, although ordinary pensions are payable to women five years earlier, at age 60 instead of age 65.

149. The following data from the 1990 population census were supplied by the National Statistics and Census Institute:

Total population	32 615 528
Men	15 937 980
Women	16 677 548
Total population aged over 60/65	5 410 807
Women aged over 60	4 198 148
Men aged over 65	1 212 659

Bearing in mind that a total of 3,261,000 persons are covered by the national social insurance system and an estimated 600,000 by the provincial social insurance systems, the total number of beneficiaries would be 3,861,000, or 71.4 per cent of the population of the entire country aged over 60/65 covered by the social insurance system.

150. Some of the efforts under way on issues within the field of competence of the Social Security Secretariat in the Ministry of Labour and Social Security are directed towards the drafting of bills to ensure better coverage of the sectors involved, including:

(a) Special arrangements. Act No. 24.241 on the Integrated System of Pensions, which has been in force since October 1993, authorizes the Executive (article 157) to propose a list of activities which merit special legislative treatment because they involve risks for workers or premature exhaustion of their capacity to work or special situations. In this area, an analysis was carried out of currently applicable special arrangements and a list was prepared of activities which should continue to enjoy special treatment in terms of social insurance in view of the characteristics of such activities and the circumstances in which they are carried out. Of particular importance

are heavy labour, work carried out in special conditions of isolation from the workers' families or society and work involving especially arduous, toxic, hazardous or unhealthy conditions. Among these, mention is made of tasks in mining, slaughtering and butchering of animals, oil and gas exploration, steel making, foundry work and forging and waste collection in the Antarctic or the islands of the South Atlantic, etc.;

(b) The blind and disabled also receive special treatment because of their special circumstances, in acknowledgement of the fact that they have to exert a greater effort to perform certain tasks than the able-bodied. Consequently, efforts are made to compensate them by modifying the age requirements and number of years of service needed to receive social insurance benefits;

(c) Domestic servants and rural workers. In order to extend the protection afforded by the social insurance system to a larger number of persons, efforts are under way to analyse the specific characteristics of certain groups of workers who, though referred to in the legislation, are for the most part not included in the social insurance system in practice as contributors. This applies to domestic employees or domestic servants - 98 per cent of whom are women - and rural workers. In general, they have low incomes and very little stability of employment, so that it is a complex matter to devise appropriate machinery to encourage them to make regular contributions in order to enjoy the benefits of social security subsequently. In April 1996, Act No. 24.463 was adopted. Inter alia, it introduced reforms in the social insurance legislation, in chapter I.

151. The changes made are the following:

(a) National public social insurance systems involve assisted distribution on the basis of the solidarity principle;

(b) The State guarantees the granting and payment of benefits up to the amount of the budget appropriations expressly committed for financing under the Budget Act. The annual appropriations for funding the public welfare system may not be lower than those allocated in the previous year's budget;

(c) The Budget Act shall determine the minimum and maximum levels of the benefits under the public social insurance system; no beneficiary may receive benefits in excess of the legally determined maximum;

(d) The benefits shall be indexed as determined annually by the Budget Act in accordance with the appropriate calculation of resources. They may be distributed in a differentiated manner in order to raise the minimum benefits;

(e) Those in receipt of benefits under the public welfare system may resume paid work in either an employed or a self-employed capacity.

152. Chapter II of the Act provides for a reform of the legal aspects of social security. This reform governs legal challenges to actions taken by the National Social Security Administration:

(a) The Administration's decisions can be challenged in the federal administrative courts in Buenos Aires and in provincial courts. The case follows the rules of summary procedure. The Administration is the defendant and the court will be authorized to hear the case without the need for an application for a remedy to the court in whose jurisdiction the head office of the Administration falls;

(b) The Administration may in its defence cite insufficient funds under the distribution arrangements to cover the additional expenditure which acceptance of the claim would entail;

(c) The National Social Security Appeal Court established under Act No. 23.473 becomes the Federal Social Security Court. It shall hear appeals against judgements issued by the courts mentioned above, among other matters;

(d) The final judgements of the Federal Court shall be appealable before the Supreme Court by general remedy and the decisions of the Supreme Court shall be binding on lower courts;

(e) Coercive judgements against the Administration shall be enforced within 90 days of their notification, up to the point where the budgetary resources allocated for the purpose for the fiscal year in which the time limit expires are exhausted. Once these resources are exhausted, enforcement shall be suspended until the beginning of the fiscal year for which new budgetary resources to fund enforcement of court decisions are to be approved.

See the annexed tables giving a breakdown of beneficiaries by sex, nationality and age ranges.

Article 10

Employment

153. The Convention concerning Minimum Age for Admission to Employment (No. 138) entered into force in Argentina in June 1996.

Marriage

154. The Civil Code and legislation amending it contain guarantees of the right of men and women to marry of their own free will and to create a family. Article 172 of the Civil Code, as amended by Act. No. 23.515, provides that: "Full and free consent expressed in person by man and woman before an authority empowered to solemnize civil marriage is essential for such a marriage to exist". Act No. 23.515 changed the age required for marriage to 16 for women and 18 for men.

155. In the case of minors below the minimum age required for marriage, this impediment can be overcome only with court authorization, even when parental permission is forthcoming. This is what is known as a judicial dispensation. Articles 167 and 168 of the Civil Code provide as follows:

> Article 167: "A valid marriage may be entered into in accordance with article 166 (5), subject to a judicial dispensation".

> Article 168: "Minors, even when they have been emancipated by qualification as to age, may not marry other minors or other persons without the consent of their parents or the person exercising parental authority, or that of their guardians if neither of them exercises such authority, or, failing the above, that of a court".

156. On this point, it should be noted that Argentina has acceded to the 1957 New York Convention prohibiting marriage by proxy and has amended domestic legislation so as to permit marriage at a distance:

> Article 173: "A marriage at a distance is considered to be a marriage in which the absent party expresses his or her consent in person before the authority empowered to authorize marriages in the place where he or she is located".
>
> Article 174: "Marriage at a distance shall be deemed to have been celebrated in the place where the consent that concludes the action is given".

Protection of the family

157. There is no specific legislation in Argentina which facilitates the creation of a family, subsidies or installation grants to promote housing or other benefits, notwithstanding the policies to promote and strengthen family life pursued by family protection bodies.

158. In 1990, the Council for Minors and the Family was set up under Executive Decree No. 1606, with the following functions:

(a) To plan, organize and carry out the policy for the all-round promotion of minors and the family within the framework of existing provisions, the general principles of the law governing minors and the social policies laid down by the Ministry of Health and Social Action;

(b) To adopt the necessary measures to contribute to strengthening the family, through guidance and support;

(c) To coordinate participation by public agencies, non-governmental organizations and neighbourhood and public-interest bodies in general in the planning, implementation and replication of local and regional activities aimed at the all-round promotion of and guidance for families and all their members;

(d) To foster the expansion of research and training relating to minors and the family.

159. The measures taken by the Council to sustain, strengthen and protect the family include:

(a) The prevention programme for families receiving assistance (decision No. 2742/83):

(i) Objectives: (1) to plan for critical situations which affect the integration of family groups and their ability to provide care, when such situations arise from the decisive or contributory influence of adverse economic factors; (2) to prevent the separation of the under-age members of the family nucleus, when the family retains a capacity to provide education and care and the performance of its functions is being affected by economic difficulties; (3) to encourage the discharge of minors from the institutions in which they have been placed when such placement is due mainly to economic problems facing their parents rather than imperatives regarding their treatment;

(ii) Eligibility: This programme may be applied to family groups which, while retaining a capacity to care for their members, especially those who are minors, are facing family crises or a high risk of such crises caused, exacerbated or precipitated by a drop in or absence of income to meet their basic needs.

This programme grants families at risk financial assistance for each minor child, in addition to an allowance for the father, mother, guardian or legal representative. Provision is also made for a special allowance to overcome an acute financial crisis affecting the family or to be used to purchase machinery or tools to enable the family to start up a small productive enterprise;

(b) Emergency allowances programme for housing problems (decision No. 17/81):

(i) Aims: (1) To prevent the break-up of the family group by providing temporary emergency resources to rehouse homeless family groups with serious financial problems or under immediate threat of becoming homeless; (2) to help the family overcome its crisis and to recover its self-sufficiency; (3) to facilitate the removal of minors from placement when the main reason for their placement is the family group's housing problem; (4) to prevent the placement of young adults when homelessness is the only reason for it, thereby facilitating diagnosis in order to direct them towards other forms of treatment;

(ii) Beneficiaries: Family groups with minor children and young adults facing emergencies because of homelessness. Priority will be given to the following: (1) family groups in which the mother is a minor and which require emergency assistance in order successfully to become reintegrated in society; (2) homeless single mothers who have minor children, a low income or are unemployed; (3) couples with minor children who are in an emergency situation for duly substantiated reasons, and need such assistance; (4) young adults of both sexes who are capable of assuming responsibility for their lives and adjusting to society, and whose development requires a period of transition.

three months prior to or six months after the marriage and provided that the employer has been duly notified of the marriage; such notification may not be made before or after the deadlines indicated".

Protection for children and young people

165. In conformity with the Convention on the Rights of the Child, it is the primary duty of States to "ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her". This obligation includes the following:

(a) Protecting children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse;

(b) Full recognition of the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;

(c) The obligation of the State to take all appropriate measures to promote physical and psychological recovery and social integration of a child victim of abandonment, exploitation or abuse, in an environment which fosters the health, self-respect and dignity of the child.

166. In conformity with the Convention, Argentina is required to implement measures to ensure full compliance with and the highest possible level of enjoyment of the rights provided for therein.

167. The National Council for Minors and the Family is a decentralized agency responsible for the State's functions in promoting and comprehensively protecting minors and the family. One of its primary concerns is with preventing and treating child abandonment and, in particular, coordinating systems for dealing with the problems of children at risk, street children and children exploited at work or in any other manner that undermines their dignity.

168. As to protection for minors who have been abandoned or who are in moral or material danger, conflicts of jurisdiction between provincial courts in cases involving children found by the national courts to be at risk have made it necessary to adopt joint and coordinated care measures.

169. Under the Federal Agreement on the Protection of Minors and the Family and through the appropriate Federal Council or bilateral agreements, the National Council for Minors and the Family provides technical support to ensure that the commitments made by Argentina are fulfilled throughout the national territory, thereby ensuring in practice the homogeneity and consistency of the rights of all children living in the national territory.

170. Through the aforementioned Council - and even before its establishment - the Street Children's Programme provided individual care for street children.

171. In 1990, a network of relevant programmes and services was organized by decision No. 270/90; they have gradually been improved and made available to the Programme to Combat the Exploitation of Children whenever necessary. By a decision taken in November 1993, the Council for Minors and the Family, meeting in plenary, decided to set up a separate programme to care for children exploited by adults through begging, work, prostitution or crime as it was obvious that the vast majority of the city's street children were being controlled, forced onto the streets or supervised by adults living off the earnings from the children's marginal activity.

172. The Programme's objectives are: (1) to identify cases of child exploitation and to distinguish them from survival strategies or other risk situations requiring specific measures (employment, mental health, cultural, town planning, etc.); (2) to curb and prevent by all lawful means exploitation by adults; (3) to provide exploited children and their families with as much support as is possible by means of measures and specific or general social programmes at the national, provincial or municipal levels; (4) in particular, to ensure access to education, physical and mental health, training for employment, leisure and culture for all child victims of exploitation; (5) to develop community awareness of the problem.

173. The Programme's actions: without prejudice to any specific measures required for a flexible strategic response to the activity of exploiters, the Programme's actions will be determined by the following general guidelines: (1) inter-agency coordination (competent governmental and non-governmental agencies); (2) survey of cases: completion of a field study into the main forms of child exploitation, the adults involved and their child victims. The cost will be borne by the Programme; (3) community awareness campaigns through the mass media and the organization of seminars and courses, etc.; (4) social remedies for cases (through technical and professional approaches to diagnosis and treatment, for both children and families participating voluntarily in the Programme; (5) intervention by the Prosecution Service and the competent courts. Whenever judicial measures are required to put an end to exploitation, to arrest and try those guilty or to separate children from their families, they will be carried out by the duly authorized officials; (6) protection for exploited children. Whenever child labour continues to be exploited despite the social measures taken, the Council will take such protective measures as are necessary to put an end to the situation, either through a court order or by exercising its own functions in respect of protection for minors at risk.

174. The Programme's resources: (1) community resources: permanent staff and voluntary staff supervised by the former. Donations of goods are received and distributed directly to children and their families. If the donations are not suitable for direct distribution to the Programme's beneficiaries, they are dealt with in accordance with the relevant regulations or donations to the State; (2) inter-agency resources: where human resources are concerned, a list of existing resources will be drawn up and updated, expanded and improved by means of field research in other national, provincial and municipal public agencies serving children and their families; (3) resources specific to the Programme to Combat the Exploitation of Children: dedicated human resources, premises for the provision of care, hotlines, the necessary vehicles, emergency allowances to provide food, clothing, footwear, medicines, supplies

and equipment, transport and anything else needed by the exploited children or their families if it is not possible immediately to provide them through regular programmes; halfway houses (State or non-governmental) offering immediate admission for short stays; meeting day-to-day expenditure, etc.

175. Moreover, the provisions in force on the guardianship of minors, i.e. Act No. 10.903, which amended the system of parental authority, guarantee the right of minors not to be subjected to abuse and exploitation. The Act is currently being reviewed, as a number of its provisions need to be amended because it entered into force some time ago and the population it protects is facing new problems.

Age limits on paid employment

176. Employment Contract Act No. 20.744 contains the provisions in force relating to the prohibition of paid employment by minors:

> "Article 187: Minors of either sex, aged over 14 (fourteen) and below 18 (eighteen), may enter into any contract of employment subject to the conditions laid down in articles 32 et seq. of this Act. Any regulations, collective employment agreements or wage scales that are worked out shall guarantee minors equal pay when they work the same number of hours a day or perform the same duties as adults. The apprenticeship and vocational training system applicable to minors between the ages of 14 (fourteen) and 18 (eighteen) years shall be governed by the relevant provisions in force or by those adopted for that purpose.
>
> Article 189: Employers are prohibited from employing minors aged under 14 (fourteen) in any kind of activity, whether for profit or not. This prohibition shall not extend to minors employed, with the permission of the school attendance office, in firms employing only members of their own family, provided that the occupations are not harmful, prejudicial or dangerous. Minors above the age indicated and of school age may not work if they have not completed their compulsory schooling, except with the express permission of the school attendance office, and when their employment is regarded as essential for their own subsistence or that of their direct relatives, and provided that they receive, in a satisfactory manner, the minimum schooling required."

177. There is also specific protection for employed minors aged between 14 and 18:

> "Article 188: In hiring workers of either sex less than 18 (eighteen) years old, the employer must require them or their legal representatives to provide a medical certificate of their fitness for work and must have them undergo the periodic medical examinations required by the relevant regulations."

178. The certificate of fitness for work required by the relevant legislation does not preclude compliance with the other requirements laid down by other provisions in respect of hiring, entry into employment and continuation of employment. Article 35 of Decree-Law No. 14.538/44, which applies to all

minors aged under 18 who apply for work permits, thus stipulates that, for the purposes of pre-employment examinations and the required periodic examinations, consideration is to be given to the physical condition of the minor in the light of the nature, conditions and characteristics of the tasks he is to carry out or is already carrying out and their influence on his satisfactory physical, mental and moral well-being, which is taken into account during the required psycho-physical and psycho-technical examinations of minors. The fitness test must also take account of the conditions of hygiene and safety in the minor's workplace (on a case-by-case basis), as well as of the tools he is to use. All these measures go well beyond a mere contractual relationship, and this is why the law is limited to determining the basis for the conclusion and maintenance of the contract (fitness for work), whereas the other provisions contained in the regulations referred to in the last part of article 188 have to do with health policy and the protection and improvement of human resources, as dealt with in labour law, public health, social security, etc.

179. Under the provisions in force, minors may not work more than 6 hours a day or 36 hours per week. If the minor is aged over 16 and if prior authorization has been obtained from the administrative authorities, the working day may be extended to 8 hours or the working week to 48 hours. The same provisions also prohibit night work by minors which is defined as work between 8 p.m. and 6 a.m.; in the case of industrial establishments with three shifts working round the clock, the period during which the employment of minors is absolutely prohibited is governed by the same provisions.

180. Notwithstanding any special measures adopted for the disabled, it may be noted that, as far as minors with physical or mental disabilities are concerned, Argentina has brought its legislation into line with the Declaration on the Rights of Mentally Retarded Persons and the Declaration on the Rights of Disabled Persons, which were proclaimed by the United Nations in 1971 and 1975, respectively. The relevant legislation in this regard is Act No. 22.431 on comprehensive protection for persons with disabilities, article 1 of which reads:

> "This Act institutes a system of comprehensive protection for persons with disabilities, aimed at providing them with medical care, education and social security, granting them the exemptions and incentives that will enable them, insofar as possible, to overcome the handicap caused by their disability and giving them the opportunity, by their own efforts, to play a role in the community equivalent to that of ordinary individuals.
>
> Article 2. For the purposes of this Act, a disabled person shall be any person suffering from a permanent or long-term physical or mental functional impairment which, having regard to his age and social environment, gives rise to considerable problems as far as integration into the family, society, education and work is concerned.
>
> Article 4. Through its agencies, the State shall provide the following services to disabled persons to the extent that they themselves, the persons upon whom they are dependent and the welfare bodies to which they belong are unable to do so: (a) comprehensive rehabilitation,

understood as the development of the abilities of disabled persons; (b) occupational or vocational training; (c) loans and grants to facilitate professional or intellectual activity; (d) special social security schemes; (e) education in ordinary establishments, with the necessary assistance provided free of charge, or in special establishments when the degree of disability makes it impossible for them to attend an ordinary school; (f) individual, family and social guidance and advancement.

...

Article 14 bis. Allowances for primary, secondary and higher education and education grants shall be doubled if a worker's dependent child of whatever age is disabled and attends an official or private establishment under the supervision of the competent authority in which ordinary or special education is provided.

For the purpose of this Act, regular attendance by a worker's dependent disabled child at an official or private establishment under the supervision of the competent authority and providing exclusively rehabilitational services shall be regarded as regular attendance at an establishment providing primary education".

181. All the information provided in respect of this question is without prejudice to any enabling acts adopted by the provinces and specific legislation on disability, including:

(a) Act No. 10.315 on out-patient grants for psychiatric institutes;

(b) Act No. 10.205 on welfare benefits;

(c) Act No. 11.134 on priority for the purchase of protected workshops and State cooperation;

(d) Act No. 10.836 on accompanied transport for disabled persons;

(e) Act No. 10.592 on the basic and comprehensive legal regime for the disabled.

There is also a National Advisory Committee for the Integration of Disabled Persons, under the authority of the Office of the President of Argentina.

182. Act No. 24.657, which was adopted on 5 June 1996 and promulgated on 5 July 1996, established the Federal Disability Council, with the status of a State Secretariat. It is headed by the Chairman of the above-mentioned Commission and it is made up of permanent members - the chief officials responsible for disability at the national and provincial levels and in the city of Buenos Aires, representatives of non-governmental and disabled-persons organizations, appointed in an advisory capacity, and guest members. Under article 3 of the Act, its functions are the following:

(a) To assess problems common to disabled persons throughout Argentina and specific problems in each province and region;

(b) To identify their causes and to analyse the measures taken to deal with them in order to determine whether the measures should be approved or changed;

(c) To recommend courses of action for organizing sectoral policies of national scope;

(d) To promote periodic national congresses on disability, organized by the Council;

(e) To undertake work and projects to meet the objectives listed in article 2 of the Act;

(f) To coordinate the discussion of topics of joint interest with the Federal Health Council, the Federal Council for Minors and the Family, the Federal Council on Housing and other similar bodies;

(g) To assess the results achieved by the implementation of the policies and measures proposed.

Article 11

The right to adequate food

183. Argentina has implemented various programmes to improve food and nutrition for the most underprivileged sectors of the population. They include the following:

(a) Community Social Policies (POSOCO)

Lead agency: Secretariat for Social Development, provincial governments;

Implementing agency: provincial ministries of welfare, municipalities and NGOs;

Aims: to improve the quality of life throughout Argentina among sectors of the population whose basic needs are not satisfied;

Goods and/or services provided: food supplements in community canteens for children. Other non-food social benefits;

Target population: poor children aged from two to five;

Geographical location: nationwide;

Sources of information in the provinces: Secretariats for Social Development and Human Development and provincial Ministries of Health and Welfare.

(b) Food and Nutrition Programme for Children (PRANI)

Lead agency: Secretariat for Social Development;

Implementing agency: Under-Secretariat for Social Policies, PRANI executing unit;

Aims: to improve living conditions and access to suitable and sufficient food for children from disadvantaged homes by providing food supplements and support for basic education. To diagnose and reorganize the system of school and children's canteens;

Goods and/or services provided: equipment, infrastructure, technical assistance and training for school and children's canteen programmes;

PRANI diet supplement (a monthly food parcel containing nine foods);

Target population: children aged from 2 to 14 suffering from nutritional deprivation;

Geographical location: nationwide, with the exception of the province of Buenos Aires and the Federal Capital;

Sources of information in the provinces: Secretariats for Social Development and Human Development and provincial Ministries of Health and Welfare, provincial Coordination and Liaison Unit (UCEP).

(c) Vegetable Garden Programmes (PROHUERTA)

Lead agency: Secretariat for Social Development, Secretariat of Agriculture, Fisheries and Food;

Implementing agency: National Institute of Agricultural Technology (INTA);

Aims: To encourage community participation in the production of food; to improve the quality of the diet; to supplement food by growing one's own; to improve overall expenditure on food; to encourage small-scale productive alternatives; to develop appropriate technologies for food production;

Goods and/or services provided: technical assistance, training and the provision of key inputs for community, school and family vegetable gardens;

Target population: the rural and urban population whose basic requirements are not met;

Geographical location: nationwide;

Sources of information in the provinces: INTA agencies.

(d) Nutritional Subprogramme for Mothers and Children

Lead agency: Ministry of Health and Welfare, Directorate of Maternal and Child Health;

Implementing agency: provincial Ministries of Health;

Aims: to reduce infant mortality caused by undernourishment of mother and child;

Goods and/or services provided: regular and fortified powdered milk; encouragement for breastfeeding; food education; monitoring of the nutritional status of pregnant women and children;

Target population: pregnant women and children from birth to the age of two who are socially or biologically at risk;

Geographical location: nationwide;

Information sources in the provinces: hospitals and health centres.

(e) Social Nutritional Programme (PROSONU)

Lead agency: Secretariat for Social Development, provincial Governments;

Implementing agency: provincial Ministries of Welfare, municipalities and NGOs;

Aims: to improve the nutritional status of the target population;

Goods and/or services provided: Food supplements;

Target population: children aged from 6 to 14 whose basic needs are not met, in school canteens. Children aged from two to five whose basic needs are not met, in children's canteens;

Geographical location: nationwide;

Information sources in the provinces: Secretariats for Social Welfare and Human Development and provincial Ministries of Health and Welfare.

(f) Nutrition Programme for Mothers and Children (PROMIN)

Lead agency: PROMIN's Coordinating Unit at the national level and provincial and municipal implementing units;

Target population: women of childbearing age and children from birth to the age of five suffering from structural poverty;

Goods and/or services provided: extension, rebuilding and equipment of existing health centres, children's canteens and kindergartens; changing health, early learning and school canteen models through comprehensive technical assistance, training and social communication measures; provision of medicines and foods; national nutrition and health survey, impact assessment studies; social auditing, etc.;

Geographical location: nationwide.

Inter-American Conference on Hunger

184. The Inter-American Conference on Hunger was held in Buenos Aires on 7 and 8 October 1996. It was attended by delegations from 24 countries on the American continent, 8 international organizations and 15 non-governmental organizations, including national and foreign universities, associations of firms producing and distributing food and pharmaceuticals and leading transnational food corporations.

185. Lastly, the Conference debated a draft declaration of principles and a plan of action to be implemented in each country insofar as it was compatible with current social policies. The plan of action views nutritional problems as primarily the State's reponsibility, but not exclusively: they are the responsibility of society as a whole. The plan therefore promotes the integral, systematic involvement of the private sector, particularly business, in the implementation of policies - especially short-term policies - for alleviating malnutrition.

186. Argentina, as the coordinator of the nutrition components of the Plan of Action adopted by the Summit of the Americas, is to look into the possibility of establishing a revolving fund to supply the initial resources for food banks in the Latin American countries signatories to the Plan. Such food banks would be administered jointly by the public and private sectors. Contributions to the fund would be requested from the private sector in the region, the public sector, development agencies and international organizations.

187. Also in its capacity as coordinator of the nutrition components of the Plan of Action of the Summit of the Americas, Argentina is pressing for the formation of an honorary inter-American council to promote and coordinate the operation of the food banks. In this regard, it was pointed out that, just as annual meetings are held in Davos, Switzerland, to examine trends in macroeconomic indicators, a similar forum could be set up to study developments in social policies.

The right to adequate housing

188. See the tables in the annexes on the housing situation and the information on the emergency allowance programme for housing problems (decision No. 17/81) in the section on article 10 of the Covenant.

189. With regard to the transfer of land title and in compliance with a constitutional mandate, a programme has been implemented to establish the inalienable right of indigenous populations to own the land where they live. Under this programme, the National Institute of Indigenous Affairs is making strenuous efforts to transfer ownership to the communities that traditionally occupied those lands and continue to do so today.

190. Formosa province, for example, has issued title deeds to all the indigenous communities in the province for a land area thought to exceed 400,000 hectares. Similar action is being taken by other provinces.

191. As regards measures to facilitate home ownership, the State, through the National Mortgage Bank, has implemented a programme to provide mortgage loans for the purchase or repair of homes, with a maximum term of 12 years and annual interest of 11 per cent. In order to obtain such loans, those interested must apply in person to the National Mortgage Bank or one of the financial institutions that grant loans of this kind under agreements with the National Mortgage Bank. This measure will make it possible to purchase a home for an amount similar to a rent payment. The ample supply of mortgage loans is an indication that the advantages of this method of home purchase are stimulating demand.

192. At the same time, the National Housing Fund (FONAVI) continues to operate, as can be seen from the table below. The Social Development Unit and the National Mortgage Bank have obtained US$ 1 billion in financing from international credit organizations for housebuilding through the Fund.

193. Details of legislative measures to grant land title to segments of the population living in illegal settlements and of measures to provide homes with sanitation are given below. At the national level, various programmes have been implemented under the auspices of the Secretariat for Social Development and the Housing Unit, with a view to assuring the maximum number of inhabitants the right to housing:

Housing sector programmes

Programme	Lead agency	Implementing agency	Aims	Goods and/or services provided	Target population	Geographical location	Sources of information in the provinces
National Housing Fund	Secretariat for Social Development; Housing Unit	Provincial housing agencies	To reduce the housing deficit; to improve housing conditions	House building, extension and repair; equipment and infrastructure	Families with insufficient resources to buy a home on the housing market	Country-wide	Provincial housing agencies, provincial housing boards and committees
Land title programme	Secretariat for Social Development	Executing units of provincial housing agencies or ad hoc organizations	Transfer of public State-owned land occupied by settlements, and purchase of land in order to relocate families	Identification of informal settlements and formalization of ownership by transfer of title to physical persons	Groups in informal settlements	Buenos Aires, Chaco, San Juan, Santa Fe and Tucuman	
Housing Unit's housing programme	Secretariat for Social Development	Housing Unit	To help develop and improve living conditions, housing, basic social infrastructure and land access of households with basic unmet needs and vulnerable groups in situations of emergency, risk or marginalization	Access to basic housing; supplementary housing; improvement of living conditions for vulnerable groups; basic social infrastructure	Households with basic unmet needs and vulnerable groups	Provinces in the north-western and north-eastern regions	Municipalities, NGOs, dioceses, universities, provincial secretariats for social development
Neighbourhood improvement	Secretariat for Social Development	International financing unit	To improve living conditions for the urban population with basic unmet needs; to facilitate access to basic mains services with social monitoring to ensure the programme's sustainability and replicability	Strengthening of institutional structures: technical assistance and training; mains connections, including sewerage, inside the home; environmental monitoring; legal monitoring; social assistance	Urban population with unmet basic needs in areas with 20,000 inhabitants or more	Areas throughout the country with 20,000 inhabitants or more	
Flood Victims' Programme/ house repair subprogramme	Ministry of the Interior	Provincial governments	Reconstruction of areas affected by the 1992 flooding	Building and repair of dwellings affected by flooding	Families with basic unmet needs affected by the 1992 flooding	Buenos Aires, Chaco, Corrientes, Formosa, Misiones and Santa Fé	Provincial emergency coordination sections, housing agencies and municipalities

Article 12

194. On 20 July 1992, under decree No. 1269/92 (see annex), the Executive implemented a programme of substantive and instrumental health policies. The National Action Plan for Mothers and Children is attached as an annex.

Health status indicators

195. Infant mortality rates continue to decline slowly (23.9 per 1,000 live births in 1992 and 22 per 1,000 in 1994), as do crude death rates, thereby increasing life expectancy at birth (68 years for men and 74.8 years for women). Rates of infant mortality from preventable causes are still high (in 1990 only 16 per cent of neonatal deaths and 23.9 per cent of post-neonatal deaths were due to non-preventable diseases) and there are wide variations in rates between the provinces (11.2 per 1,000 live births in Tierra del Fuego; 33.5 per 1,000 in Chaco in 1992; and 31.4 per 1,000 in 1994) (see tables in annex).

196. Health conditions have remained constant. Heart diseases, malignant tumours, cerebro-vascular diseases and accidents are still the leading causes of death. Deaths from arteriosclerosis as a simple condition and from certain conditions originating in the perinatal period have decreased. The incidence of AIDS has increased, with an estimated average per day of three new cases and 15 to 45 persons infected.

197. Generally speaking, diseases that can be prevented through the immunization programme have remained stable, with the exception of tuberculosis, which is on the rise. The number of cases of meningoencephalitis, malaria, leprosy and leishmaniasis remains unchanged. The number of cases of cholera was lower than in the preceding period (2,008 in 1993 and 847 as of September 1994). Chagas disease is still Argentina's major endemic disease, although it is limited geographically to the central valley of Catamarca and its serological prevalence continues to decline.

198. Accidents and violence are still the fourth most common cause of death and a source of serious concern, given their preventability and the number of years of life lost. There has been no change in problems or levels of mental and oral pathology.

Factors influencing health status

199. Despite progress in curbing inflation and improvements in macroeconomic variables, there has been little significant improvement in living conditions: sizeable segments of the population continue to live below the poverty line and unemployment, underemployment and informal and unregistered employment have increased, while at the same time real wages have fallen and the housing deficit problem has become increasingly complex.

200. Furthermore, among marginal groups, particularly in rural areas and poor peri-urban areas and in suburban and urban "squats", where there is less

economic self-sufficiency and greater social frustration, old problems such as chronic nutritional deficiency and malnutrition, iodine and iron deficiency, food poisoning, violence, desertion and child abuse have persisted.

201. In the education sector a process of reform got under way this year. As yet, no positive changes in educational levels have been noted in comparison with the preceding period and there are wide variations from province to province.

202. Health service coverage is high in the urban areas where the insured population is concentrated, although there are significant pockets of inadequate care in poor sectors of the Buenos Aires conurbation, rural areas and the interior of many of the provinces.

203. The health infrastructure is very extensive and widely dispersed, which explains the lack of up-to-date information on coverage. In 1986, according to the Ministry of Health and Social Welfare, Argentina had 6,500 outpatient clinics, 3,180 hospitals and 147,000 beds. In January 1992, the Ministry transferred all medical services to the municipality of Buenos Aires and the provinces. The proposal to deregulate the welfare system may well result in an entrenchment of inequities under a system that would give the user freedom of choice and provide care packages based on ability to pay. A number of partial studies point to shrinking health service coverage among younger groups. At the same time, the public sector is gradually deteriorating.

Plans and priorities for developing the nation's health

204. Argentina is currently making major macroeconomic advances under the Government's neoliberal economic adjustment programme. The economy is stable now that inflation has been quelled through the Convertibility Plan and the general buoyancy of the economy; what is needed now is to improve social investment. Key strategic components are the reform of the State, the privatization of public corporations and the decentralization of authority, responsibility and services to the provinces and municipalities.

205. From the time it announced its substantive and instrumental health policies in 1992, the Government has made efforts to promote a number of changes in the structure and operation of medical care through such reform projects as the deregulation of welfare services, programmes to decentralize public hospitals and introduce scales of charges (self-management) and to guarantee the quality of health care and the strengthening of the regulatory and supervisory functions of its main central administrative units. The strategic and programmatic orientations and priorities for action for the Pan American Health Organization (PAHO) also emphasize approaches linking health needs with integrated social development, the reorganization of health systems by means of strategies geared towards decentralization and the establishment of local networks and participation in order to improve equity, efficacy and efficiency and the concentration of efforts on programmes aimed at priority groups and problems (targeting) and geared towards promoting efficient forms of investment in improving the population's environmental situation. The current administration's priorities lie at the intersection of these two lines of policy.

Infant mortality: 0 to 11 months

206. The overall infant mortality rate was 33.2 per 1,000 in 1980, 26.2 in 1985, 24.7 in 1991, 22.9 in 1993 and 22.0 in 1994 (see annex 45: mortality by mother's district of residence; and annex 46: registers of live births, 1980-1994). One noteworthy feature is sex differentials in mortality: in all regions of the country the male infant mortality rate is higher than the female rate by an average of around 5 points.

207. The overall infant mortality rate fell by 25 per cent between 1980 and 1991, with a drop of 40 per cent in Chaco and 18 per cent in the Federal Capital. The 1991 average of 24.7 per 1,000 conceals wide regional variations. Above-average rates are to be found in the Noreste (30.0) and Noroeste (30.5) regions; intermediate rates occur in Cuyo (24.6) and La Pampa (23.5); the lowest rates are concentrated in Comahue (20.0), Patagonia (19.1) and the Federal Capital, which has a rate of 15.2 per 1,000 live births. The figures for provinces with overall indicators of poverty and very low mortality rates suggest an element of under-registration.

208. In 1991, 77.37 per cent of the deaths of children aged 0 to 14 occurred below the age of 1 year. Of these, 37.62 per cent died between the ages of 28 days and 11 months (post-neonatal mortality) and 60.52 per cent during the first 28 days of life (neonatal mortality). In other words, 61 per cent of infant mortality occurs in the first 28 days of life. The greatest concentration of deaths is found between 0 and 6 days of life (premature neonatal mortality) and the majority of these deaths occur during the first 24 hours.

209. The drop in infant mortality rates is due to the decrease in preventable diseases brought about by specific vaccination and the decline in the number of cases of diarrhoea and pneumonia in both the female and male populations. Neonatal mortality remains unchanged, however, despite technological progress and a high degree of preventability.

210. Conditions originating in the perinatal period are responsible for 50 per cent of child deaths and are the leading cause of death not only in the first year of life, but up to the age of 10. The most important problems in this area are premature birth and low birth weight, which, when combined with a high proportion of maternal deaths represent a health challenge that cannot be tackled by paediatricians and neonatal experts alone. It is thought that around 70 per cent of such deaths are preventable, notably through measures to monitor pregnancy and to provide a high level of care during childbirth.

211. Very low birth weight (below 1,500 grams) occurs in 0.73 per cent of all births and low birth weight (below 2,500 grams) in 5.6 per cent. In 16.16 per cent of cases, the birth weight is unknown: the provinces of Santa Fé, Santiago del Estero and Catamarca do not publish the weight of newborn babies. It is thought that, with better quality information, the incidence of low birth weight would be around 10 per cent.

Access to adequate water supply and adequate sewerage services

212. As to subparagraphs (b) and (c) of this article, the report of the Argentine Association of Sanitary Engineering and Environmental Sciences (AIDIS ARGENTINA), prepared at the request of PAHO/WHO and entitled "Resúmenes Sectoriales de Abastecimiento de Agua Potable y del Saneamiento" (Summaries by sector of drinking water supply and sewerage services), is attached in an annex.

Children immunized (with breakdowns)

213. See annexes 51 to 55 on the vaccination of children.

Life expectancy

214. Estimated life expectancy at birth:

	Male	Female
1990-1995	68.60	75.70
1995-2000	69.65	76.75

215. See annexes on mortality rates in the Argentine Republic.

Access to staff trained in the treatment of illnesses

216. See annexes giving breakdown of beneficiaries of social security schemes by administering institution and of medical consultations, discharges and patients per day in health-care establishments in the official subsector, by administrative agency (1995).

217. Percentage of human resources in use during the 1980s, by sex and final level of education.

Educational level	Women	Men
Total	100.0	100.0
Did not complete primary school	1.4	0.5
Completed primary school	36.7	7.5
Did not complete secondary school	11.4	3.4
Completed secondary school	13.2	4.3
Did not complete tertiary education	0.2	0.1
Completed tertiary education	3.7	0.9
Did not complete university education	1.5	1.9
Completed university education	25.2	79.8
Not specified	6.7	1.6

Maternal mortality

218. Unlike other Latin American countries, the Argentine Republic has a low average fertility rate (2.8 children per woman), beside which the maternal mortality rate is rather high. In 1991, the rate for the country was 48 per 100,000 live births, but, although it has fallen, it is still high by international standards, especially as under-registration is estimated at 50 per cent. The Regional Plan of Action to reduce maternal mortality in the Americas proposed a reduction of 30 per cent by 1995 and 50 per cent by 2000.

219. In 1991, 333 maternal deaths were recorded, one third of which were due to miscarriages and two thirds to obstetric causes. Fourteen of the deaths were attributed to indirect obstetric causes. Mortality was highest among women aged over 35. In the 35-49 age group, the maternal mortality rate was 161 per 100,000 live births.

220. In 1980, La Pampa region accounted for 39 per cent of maternal deaths, followed by the Noroeste region with 26.59 per cent and the Noreste region with 19.38 per cent. In 1985, the rate in La Pampa rose to 40.59 per cent, Noroeste accounted for 25 per cent of deaths and, in the Noreste region, the rate rose slightly, reaching 21.35 per cent. In 1991, La Pampa fell to 28 per cent and Noroeste to 24 per cent, while Noreste rose to 30.51 per cent of the total. These statistics should be seen in the light of the differences between the regions in terms of population distribution and fertility.

221. While it is true that maternal mortality rates have fallen over the decade, it is also the case that, as a result of complications, women have been referred to the more sophisticated institutions to be found in the area.

Problems of under-registration

222. Under-registration of maternal mortality, a problem recognized in countries whose information systems are more up to date than our own, occurs when there is a failure to report the death of a woman aged 15-49 in connection with pregnancy, childbirth or puerperal complications within 42 days of the birth (the time-limit for maternal mortality). Deaths from infection and anaesthetic accidents, for example, are more widespread among women aged 15-49 than among men in the same age group. These deaths may be connected with the reproductive process and they should be analysed in order to assess their influence on maternal mortality rates.

223. A study of the under-registration of maternal deaths found that, according to official records, the maternal mortality rate in the Federal Capital in 1985 was 50 per 100,000 live births (40 maternal deaths). On examination of the medical records, the rate was readjusted and raised to 91.4 per 100,000 live births (75 maternal deaths). In other words, under-registration for that time and place was 53.3 per cent.

Maternal deaths and quality of care

224. The same study found that the causes of maternal death related either to miscarriage or to delivery. Caesarean sections accounted for 70 per cent of the latter. The miscarriage rate was calculated at one for every four or five

deliveries, which gives a rate of 122-152 deaths per 100,000 miscarriages. The mortality rate for Caesarean sections is estimated at 77-179 deaths per 100,000 live births, while the rate for vaginal deliveries is 13-17 per 100,000 live births. Both these rates are higher than those recorded in developed countries.

225. In terms of clinical causes, 38 per cent of deaths were due to miscarriages and 21 per cent to septicaemia. Mortality from miscarriage is 25 per cent above standard-age adjusted rates (England and Wales) and mortality from septicaemia is 18 times higher than the standard. This difference in mortality rates is related to variations in the quality of care in the health services. Septicaemia is the leading cause of death in both normal vaginal deliveries and Caesarean sections. It was estimated that inadequate medical attention was involved in 44 per cent of the case histories of miscarriage and in 26 per cent of the cases of septicaemia. One recurrent aspect was noted: the inappropriate use of antibiotic treatment in terms of both type and dosage, a shortcoming that reveals a wide gap between advances in the understanding of infection and the application of new knowledge. There was also a lack of standard guidelines to aid in surgical decision-making. Decisions relating to surgery should be a component of the treatment plan and not a last resort.

226. Of the maternal deaths analysed, 72 per cent corresponded to women from low-income segments of the population and 13.8 per cent to women from middle-income segments. Services offered to higher-risk groups are of lower quality and are less able to deal successfully with any problems that may arise.

Coverage of childbirth

227. Since 1984, hospital births in the Argentine Republic have increased by 42.5 per cent and, in 1991, they accounted for nearly 96.2 per cent of all births. Births in government establishments (national, provincial and municipal hospitals) account for just over 50 per cent of the total.

228. There is a very low rate of births at home, 3.8 per cent, and even this rate varies widely according to region, representing one fourth of all births in Santiago del Estero, for example. Hospital births have increased in number (coverage). There is a high rate of births at home in the provinces with the highest rates of infant mortality.

Access to trained personnel by pregnant women

229. See the annexes for details of births registered.

Infant malnutrition

230. As regards malnutrition, which is among the causes of infant mortality, the Argentine Republic is not in a position to conduct a comprehensive study of the nutritional health of mothers and children due to the lack of

appropriate registers in several provinces and to variations in the indicators and ranges used from one province to another. Progress has been made towards keeping comparative registers of malnutrition rates for at least the most vulnerable age group, children aged under 2.

231. Nutritional health is assessed mainly through anthropometric data (height and weight measurements), compared with standard measurements for normal growth. The only information available consists of selective studies, covering specific geographical areas or population groups, and information from primary health care registers in a few districts. One 1991 study, using information provided by the heads of the Mother and Child Programme in a few provinces, indicated the following:

Salta	0-2-year age group, overall prevalence of 18 per cent, 2-5-year age group, 10 per cent
Jujuy	0-5-year age group, approximately 19 per cent

Both provinces are found in the Noroeste region, where nutritional deficiencies are among the five major causes of death in both girls and boys from 0 to 9 years of age.

Comahue region:

Neuquén	0-1-year age group, 9 per cent
Río Negro	0-1-year age group, 18 per cent

Patagónia region:

Chubut	0-1-year age group, 7.1 per cent, 1-2-year age group, 15 per cent, and 2-4-year age group, 20 per cent

232. Low birth weight is a direct indicator of maternal malnutrition and is a risk for newborns (see annex 63: National Commitment to Mothers and Children and National Plan of Action for Mothers and Children).

Steps taken to provide for the reduction of the still-birth rate and infant mortality

233. The following are the steps taken by the Argentine Government, through the Office of the Under-Secretary for Community Health of the Ministry of Health and Social Welfare, to provide for the reduction of the still-birth rate and infant mortality and for the healthy development of the child:

(a) Publications:

National Commitment to Mothers and Children;

National Plan of Action for Mothers and Children;

Principles of Perinatology;

Handbook of Nutritional Training;

Training Module for Breastfeeding;

(b) Training:

District transfers;

Training provided directly by the Office for the Protection of Mothers and Children;

(c) Data processing:

Transfer of funds for the purchase of computer equipment;

Implementation of the information network covering pregnancy and childbirth, children, teenagers and nutrition;

(d) Nutritional support: Transfer of funds to the districts for the purchase of powdered milk and delivery as stipulated in each programme;

(e) Breastfeeding:

Advisory Commission on Breastfeeding;

"The Hospital: A Friend to Mothers and Children" project; 10 hospitals evaluated;

(f) Equipment: Transfer of funds for the purchase of equipment of a low and moderate level of complexity;

(g) Medicaments: Purchase of medicaments for perinatology and nutrition programmes, etc.;

(h) Evaluation of services: The efficiency of the mother and child health services is evaluated using the Evaluation Handbook produced by the Pan-American Health Organization to determine the main deficiencies in the following areas of evaluation: physical plant, human resources, programming standards and procedures, administration, health supplies and health education;

(i) Management audit and monitoring: To verify the use of the funds transferred and the degree to which the different programmes have been implemented;

(j) Evaluation of goal achievement; consolidation of goal indicators: Country-level meetings are held with the programme heads from each province to agree on indicators (April/June) and later in the year to evaluate goal achievement (October).

234. For information on children at risk, the reader is referred to the information in this report on article 10, concerning the activities conducted by the National Council on Minors and the Family.

Steps taken to achieve the prevention, treatment and control of epidemic, endemic and occupational diseases

235. In 1993 and 1994, the Tripartite National Meetings were held at the initiative of PAHO, for the purpose of designing a draft national workers' health plan. The following were the objectives of the plan:

(a) To curb and reduce occupational risks;

(b) To determine the priority to be given to the promotion and protection of health in the labour sector; and

(c) To improve the sickness insurance system for workers.

236. Argentina also participated in the Tripartite Regional Workers' Health Meeting held in Porto Alegre, Brazil, in 1993. Representatives of workers, employers and the Ministries of Health and Labour of Brazil, Chile, Paraguay, Uruguay and Argentina met to define health strategies for workers in the areas involved.

237. Argentina conducts the following programmes to provide disadvantaged sectors with access to health:

(a) Non-contributory pension schemes. These benefits are designed to meet the needs of persons covered by special pension legislation (mothers with unmet basic needs and more than seven children, old people over 80 years of age, disabled people, etc.) by granting pensions and medical coverage;

(b) Institutional benefits to support projects by governmental and non-governmental bodies; and

(c) Personal benefits, aimed at meeting emergency situations among persons living in extreme poverty.

The elderly

238. To attenuate health risks among the elderly, the Argentine State, through the Office of the Secretary for Social Development and the National Institute of Social Services for Retirees and Pensioners, has implemented several activities and programmes:

(a) Solidarity: Support for the Elderly. This programme is aimed at providing care for elderly people over 60 years of age who lack social benefits and have unmet basic needs; improving the living conditions of elderly people at high risk and helping them satisfy their basic needs; helping the beneficiaries to integrate among themselves and with other generational groups by encouraging participation based on solidarity and making use of their experiences and values. The programme provides food assistance, popular travel and clothing in furtherance of these objectives;

(b) Comprehensive Medical Assistance Plan (PAMI) for geriatric institutes. Accommodation in geriatric institutes is provided for dependent or semi-dependent elderly persons without families or resources;

(c) PAMI, financial assistance. Care is provided for retired people and pensioners with various unmet needs, medicaments, rental and transport assistance and extra clothing;

(d) Welfare programme. Its goal is to provide food supplements and promote the integration of needy elderly people into the centres' activities. It provides food assistance and supplementary cafeteria meals to achieve these goals.

Programme on Women, Health and Development

239. The basic objective of the Programme on Women, Health and Development is to help improve women's health. The Programme has a double focus, the first of which is on women as subjects of health promotion and health care, for which it cooperates with other Ministry of Health and Social Welfare programmes, such as Mothers and Children, Adult Health and Communicable and Non-Communicable Diseases. Its other focus is on women as active subjects of health development, both at the informal level of family and community and at the formal level of the health sector and organized activities.

240. The Programme seeks to promote human development and community health by transforming women's roles. Its goal is to train trainers to provide continuity for workshops training women in their roles as agents of change. The Programme includes a subprogramme on "Indigenous Women and Health".

Steps taken to provide education about, and to prevent and curb, existing health problems

241. In the framework of health resources and programmes, the Office of the Under-Secretary for Community Health of the Ministry of Health and Social Welfare has conducted various programmes for the production and distribution of educational material, of which the following are worthy of mention:

(a) Journals:

Journal of Health Education, No. 55, 40,000 copies. Main topic: "Cholera". Country-wide distribution through provincial health education departments and the formal educational system;

Journal of Health Education, No. 56, 40,000 copies. Main topic: "AIDS". Distributed at the national level.

(b) Pamphlets:

Mother and Child Health;

Breastfeeding;

Be Careful of the Sun;

Lice Infestation;

Malaria.

The pamphlets are distributed nationally; 20,000 copies of each were printed.

(c) Publication of technical reports, intended specially for health-care professionals:

Health Education, No. 1 (1955), topic: "AIDS. The Epidemic of Modern Times";

Health Education, topic: "Domestic Violence";

In preparation: "Alcoholism"; "Tobacco Addiction" and "Food Security".

Advisory assistance is also provided in the various policy areas of the Ministry of Health and Social Welfare and non-governmental organizations.

(d) The media:

The Argentine television education system, a branch of the Media Secretariat of the Office of the President of the Nation, has prepared free television broadcasts on the following: (a) cholera; (b) Argentine haemorrhagic fever; (c) alcoholism; (d) vaccinations; (e) accidents; and broadcasts on oral health and accidents in the home are in preparation;

Annual vaccination weeks (26 June to 2 July). An intensive media campaign is conducted throughout the territory of the Republic;

Projects on press releases on various health-related topics, including: World Health Day; prevention and treatment of heatstroke; carbon monoxide alert; breastfeeding week, etc.;

Public services, principally for teachers and pupils in the educational system and representatives of public welfare organizations. Total consultations during the first half of 1996: 664;

Health theatre: technical support is given to independent groups of stage actors and directors for the script and staging of a play about alcoholism, in cooperation with the CUIDA Programme of the Office for the Promotion and Protection of Health.

(e) Activities for the improvement of health education:

Standing Advisory Commission to Combat Diabetes; Standing Technical Advisory Group on Comprehensive Health Care for Teenagers; National Commission to Combat Tobacco Addiction; Coordinating Committee for the Participation of NGOs and Health Promotion Bodies; Working Group composed of representatives of the Ministry of Culture and Education and the Office for the Prevention of Drug Addiction and Drug Traffic Control; National Commission for the Promotion of Breastfeeding; National Commission for Action to Improve Nutrition; National Commission for Responsible Childbearing; National Commission for the Prevention and Control of Cholera; National Traffic and Road Safety Commission; and Working Group on Violence;

Evaluation of training and community outreach projects by public welfare bodies;

National Centre for Community Organizations, Office of the Secretary for Social Development. Day of information and incentives at the National Library and establishment of a permanent coordinated structure for relations with non-governmental organizations in the health field;

Evaluation of the health education department of the National Institute for Nutritional Research, Salta Province, July 1995;

Evaluation of the Lomas de Zamora hospital and maternity clinic, Buenos Aires Province, in coordination with the Department of Maternal and Child Health;

Special events: Book Fair (1995), evaluation of reference works and distribution of educational materials; International Congress for the Prevention and Treatment of Drug Dependency, prevention programme in the educational sphere (1995); seminar on teenage health management, organized by the Department for the Protection of Mothers and Children and the Mother and Child Programme of Buenos Aires Province (1995); World Health Day, Target 2000 - A World Without Polio, various activities.

National priorities for technical cooperation with PAHO

242. Health in the framework of development. This programme focuses on strengthening the aspects of health involved in development at the level of government economic and social policies, including the reform of the State, as well as those aspects aimed at improving the monitoring and evaluation of the

population's health. It seeks to strengthen proposals for scientific and technological development, health, women and development, workers' health and social participation. It includes management support for national health development, through relations with PAHO/WHO representatives in Argentina and technical cooperation among countries through the technical cooperation regional integration project.

243. Development of health services. This programme aims at strengthening coordination among the various agencies in the health sector in order to achieve provincial and municipal decentralization and integration at the local district level. At the central and provincial levels, the aim is to strengthen policies, plans and standards and State regulation and control. The objective at the municipal level is to organize and operate pluralistic and complementary health service networks for greater efficiency in the provision of individual and collective health care services. Efforts focus on strengthening the role of public hospitals in such networks, through a self-management process, and by improving the quality of pubic and private health providers, through a process of guaranteeing health-care quality.

244. Human resources development in the health sector. This programme aims at developing human resources of critical importance to the sector by transforming existing undergraduate and postgraduate models and strengthening personnel management in national and provincial health services.

245. Promotion and protection of health. This is considered to be a priority programme by the Government and focuses on the development of projects at both the individual and collective levels aimed at modifying risk factors and lifestyles associated with the most prevalent non-communicable chronic diseases. It includes strategies for helping to promote a culture of health at the local level, such as the "healthy communities" strategy. Particular emphasis is placed on health-promotion activities relating to mothers, children, teenagers, distribution of scientific and technical information and media actions.

246. Health and the environment. This is considered to be a priority programme by the Government and aims at reducing environmental health risks for the population and achieving compliance with the international agreements and conventions adopted by the United Nations Conference on Environment and Development. Special emphasis is placed on the Argentine component of the Plan for Regional Investment in Environment and Health.

247. Control and prevention of communicable diseases. This programme supplements national efforts to reduce the morbidity and mortality rates for preventable communicable diseases that are a public health problem in Argentina, such as: Chagas' disease, dengue, tuberculosis and other vaccine-preventable diseases. AIDS is of special importance. It involves participation in a series of comprehensive actions entailing the strengthening of national and provincial programmes, support for research activities, media outreach, diagnosis and treatment. Special emphasis is to be placed on cross-programme activities in territories identified as priority areas.

Article 13

248. The Constitution and legislation of the Argentine State guarantee the provision of compulsory and free education throughout the educational system.

249. Article 5 of the Constitution states that the provinces will ensure "primary education" and article 14 establishes, among other rights, the right to "teach and to learn". While there are other references to education in the Constitution, the main one is found in article 15, paragraph 19, on the powers of Congress, one of which is the following:

> "To enact organizational and basic laws governing education which will consolidate national unity while respecting provincial and local features and guarantee the non-transferrable responsibility of the State, participation by the family and society, the promotion of democratic values and equal opportunities and possibilities with no discrimination whatsoever, the principles of free and uniform public education and the autonomy and self-sufficiency of the national universities."

250. The various articles of the national Constitution provide explicitly that, through its provincial districts and the municipality of the city of Buenos Aires, the national State guarantees that basic education shall be free and mandatory for all inhabitants with no discrimination whatsoever.

251. With regard to specific laws, Act No. 1.420 of 1884, the forerunner of Federal Education Act No. 24.195 of 1993, made schooling compulsory for all children between 6 and 14 years of age and provided for the free and progressive nature of secular studies at the primary level (7 years of schooling).

252. With the ratification of Act No. 24.195, article 10 extends compulsory education to 10 years (from the beginning of primary education, at 5 years of age, through the 9 years of general basic education), and article 39 guarantees that education shall be free: "The national State, the provinces and the municipality of the city of Buenos Aires shall, by allocating funds to the respective education budgets, guarantee the principle of free education in State-funded educational services at all levels and in all special regimes ...".

Secondary education

253. Secondary education, including technical and vocational education, is available to anyone who completes the basic cycle and wishes to continue his studies, whether general or technical in nature, with no discrimination or limitations whatsoever.

254. In 1988, 1,937,324 pupils were enrolled in intermediate education, a figure which rose to 2,238,091 in 1994, i.e. a growth rate of 15.5 per cent. In 1988, there were 6,125 educational establishments catering for the total enrolment and, in 1994, 7,239, a growth rate of 18.2 per cent for the period.

255. The right to a free education is clearly provided for in article 39, paragraph 1, of the Federal Education Act, which reads:

> "The State, the provinces and the municipality of Buenos Aires shall establish a system of grants for economically deprived pupils of both sexes enrolled in courses at a level beyond compulsory general education, which shall be based on academic achievement ...".

Access to higher education

256. Title II, article 5, of the Higher Education Act, No. 24.521 of this year, which was recently adopted by the National Congress, states as follows:

> "The higher education system shall be composed of non-university higher educational establishments providing teacher training, training in the humanities, the social sciences and technical and vocational or artistic training and institutions providing a university education, including universities and university institutes."

Title I, article 2, contains the following provisions on access to higher education:

> "The State may not delegate its responsibility to provide public higher education services and recognizes and guarantees the right to a higher education of all persons who wish to receive one and who have the required training and ability."

257. The only requirement for registration as a student in a higher education institution is completion of the intermediate level or multi-modal cycle of education and compliance with the admission requirements set by each institution. Article 7 of the Act makes an exception for persons aged over 25 who are exempted from the intermediate or multi-modal education diploma requirement if they pass tests demonstrating that they "have training and/or work experience qualifying them for the studies they intend to undertake, as well as the ability and knowledge to pursue such studies satisfactorily".

258. Total enrolment in public and private non-university higher education sectors was 230,686 students in 1988 and 310,997 in 1994 - a growth rate of 34.8 per cent for the period. In the university sector as a whole, the figures were 652,997 and 727,362, a growth rate of 11.4 per cent.

259. There was a considerable increase in the number of university level educational establishments: the number of universities rose from 26 in 1988 to 79 in 1994, a growth rate of 204 per cent. In non-university higher education, there were 1,099 establishments in 1988 and 1,674 in 1994, a growth rate of 52.3 per cent.

260. In 1995, annual expenditure per university student was $Arg 1,789.46.

Budget per student per university. Estimated data for 1995 (pesos)

University, 1994/1995 census	No. of students	Budget	Expenditure per student
Buenos Aires	173 345	271 122 642	1 564.06
Catamarca	3 251	18 601 865	5 721.89
Centro	4 860	22 588 597	4 647.86
Comahue	8 808	36 372 476	4 129.48
Córdoba	69 029	109 332 654	1 583.87
Cuyo	14 740	69 121 591	4 689.39
Entre Ríos	5 690	20 341 088	3 574.88
Formosa	1 429	6 822 051	4 774.00
General San Martín	2 979	3 501 474	1 175.39
General Sarmiento	No figures available	2 565 262	-
Jujuy	235	14 421 689	61 368.89
La Matanza	8 001	13 029 143	1 628.44
La Pampa	3 171	17 263 631	5 444.2
La Plata	47 845	85 754 277	1 792.34
La Patagonia	4 266	30 163 533	7 070.68
La Rioja	5 332	9 886 049	1 854.10
Litoral	13 829	38 476 437	2 782.30
Lomas de Zamora	18 508	18 725 047	1 011.73
Luján	6 601	16 593 327	2 513.76
Mar del Plata	17 612	35 233 364	2 000.53
Misiones	6 112	27 204 282	4 450.96
Nordeste	32 144	44 508 243	1 384.65
Quilmes	1 408	10 559 679	7 499.77
Río Cuarto	6 880	29 209 734	4 245.60
Rosario	41 990	77 585 234	1 847.71
Salta	8 457	26 797 233	3 168.65
San Juan	7 545	58 385 770	7 738.34
San Luis	5 926	33 678 401	5 683.16
Santiago del Estero	2 251	15 404 496	6 846.40
Sur	6 473	33 151 543	5 121.51
Tecnológica Nacional	55 748	86 418 250	1 550.16
Tucumán	31 331	90 243 978	2 880.34
Total	615 796	1 101 940 398	1 789.46

Source: Census of Students in National Universities and Secretariat for University Policy, Ministry of Culture and Education.

Measures taken to establish a basic education system

261. Various measures have been taken in recent years to provide an education for those who have not received or failed to complete primary education. They include the 1986-1989 National Literacy Plan and the 1990-1992 Federal Literacy and Basic Education Programme for Adults.

262. Since 1994, the nationwide project to enable adults to complete the primary level of education by distance learning under the Social Plan for Education has been operating in 14 of Argentina's 24 administrative districts. Participants use common course material, with the exception of those in one region. The project is intended for persons aged over 18 who know how to read and write. It operates along decentralized lines with nationwide coordination, follow-up and assessment.

263. In Argentina, the percentage of persons who have never attended school is relatively low. There is, nevertheless, a vital need to cater for the large number of people who did not complete primary education. The coverage provided by the educational services is broad and extends to virtually the whole of Argentina, except for sparsely populated rural areas.

264. The measures taken by the education authorities to transform the system since the adoption of the Federal Education Act are designed to deal with the main factors and problems encountered in the past in order fully to ensure the realization of the right to study in conditions of equality and quality of education. The main problems encountered, solutions to which are being devised, are the following:

(a) Problems internal to the educational system;

(i) The segmentation of the educational system, which is responsible for differences in the quantity and quality in services offered;

(ii) The centralized and bureaucratic system of education, despite efforts to decentralize which have assigned responsibility for managing education to Argentina's different administrative districts;

(iii) Curricula which are unsuited to the social and cultural realities of society and whose scientific, epistemological and pedagogical basis is insufficient to meet the new challenges;

(iv) The vertical structure of educational establishments, which place greater emphasis on order and discipline than on providing opportunities for participation in formulating pedagogical projects;

(v) Teacher training and qualifications, which are of a low academic level, unrelated to classroom practice and totally lacking as an institutional project;

(vi) Teaching methods, with a tendency towards rote learning and a formalistic approach;

(vii) The infrastructure of municipal school buildings and equipment and the teaching material used in schools in inadequate;

(viii) Teaching is gradually losing its professional status;

(ix) The resources allocated to the education budget have always been insufficient.

(b) Problems outside the education system:

(i) Argentina's vast territory, with sparsely populated areas and an inadequate communications infrastructure;

(ii) Families' social and economic circumstances; structural poverty;

(iii) Insufficient family and community commitment to school and to children's education;

(iv) The tendency of families to migrate in search of work and take their children with them, resulting in absenteeism, lagging behind and dropping out of school;

(v) The need for minors and young people to work.

265. In the light of some of the problems described, education policy has set a number of goals through the Federal Education Agreement, signed by all of Argentina's administrative districts and defining policies for the period 1995-1999.

266. In addition, a number of measures which will be described below have been implemented to improve education and ensure educational equality.

New Schools for the Twenty-First Century Programme

267. This programme has begun in 905 schools at all levels and is organized on the basis of the following criteria:

Quality of educational services;

School democracy;

School efficiency;

Active learning;

Individualized attention for pupils as a means of ensuring equality;

Specialized professional school staff;

Enhanced institutional autonomy for schools.

268. It is hoped that the implementation of these policies will bring about the following changes:

(a) In the classroom:

A variety of proposals for organizing group work in different circumstances;

Reorganizing the timetable and the use of space;

The use of different sources of information;

The use of guides to allow pupils to work independently;

Assessment of each process and its results;

(b) In schools as institutions:

A commitment to results;

Teamwork among teaching staff in different circumstances; flexible organization of time and space;

Management with benchmarks for results and their assessment.

(c) In terms of supervision: teamwork; support for teacher training.

Federal in-service teacher-training network

269. The purpose of this programme is to provide a framework to facilitate intra- and interprovincial links for developing a federal in-service teacher-training network in respect of the following:

Training for the diploma;

In-service teacher training;

Training graduate teachers for new professional tasks;

Training for graduates who are not teachers.

270. The In-Service Teacher Training Network consists of 24 provincial focal points chosen by each local government, with a national focal point in the Ministry of Culture and Education. The Network provides training for the educational system's 650,000 teachers. The training topics are linked to the common core contents and the topics relevant to the educational system's new organization and management. The Network's organizational cornerstones are that it is available locally and free of charge and offers high-quality training.

271. In 1994, the In-Service Teacher-Training Network provided the following:

756 refresher courses for teachers throughout Argentina;

Training for 48,770 teachers in courses requiring attendance;

Training for 286,770 teachers through multiplication in each district;

Training for 50,000 teachers by means of distance learning;

8,150,000 brochures on biology, physics, chemistry, mathematics, history, language and geography were produced by the Ministry of Education as a support for training and distributed in 47,000 schools throughout the country.

272. Another service available is the Electronic Teacher-Training Network linking 1,050 teacher training institutes through an electronic network that provides information on training opportunities, material and documentation on teacher training and access to databases in Latin America and the world through the Internet.

273. The Ministry of Culture and Education has provided the following basic equipment:

AT 486 personal computers with a Super VGA monitor and built-in modem-fax;

Laser-quality ink-jet printers;

Television sets;

Video recorders;

Video cameras;

200 general and specialized books on teacher training.

274. This equipment has made it possible to link up each teacher training institute through the electronic network and to expand its library, as the books provided are the basic reference material for primary and secondary school teacher training.

275. The objective is to ensure that the teacher training required is generally available so that the Federal Education Act may gradually be introduced and implemented.

Programme to assess the quality of education

276. The national system for the assessment of the quality of education (SINEC) was established by the Federal Education Act as a key tool to enable the Ministry of Culture and Education to ensure quality and equality in the dissemination of knowledge throughout Argentina. SINEC involves a year-by-year assessment of the scholastic achievements of pupils at all levels

in the system; ensuring that curricula are suited to society's needs and those of the industrial and academic sectors; and quality control of teacher training.

277. Two nationwide assessments of the scholastic achievements of pupils completing primary and secondary education were carried out in 1993 and 1994. A third assessment will be carried out in 1995. These sample assessments have provided information on the state of education throughout Argentina. They will serve as a basis for methodological recommendations for all teachers, that are designed to improve classroom work, enhance and direct teacher-training tasks and help the provinces that have the greatest difficulties.

278. First National Assessment, 1993:

Pupils assessed	19 943
Sections assessed	1 056
Districts	24
Tests given	38 876 (language and mathematics)

Questionnaires were sent to 9,831 families; 1,056 head teachers; 1,097 teachers; and 19,438 pupils.

(a) Submission of national results and results for each district (publication and preparation of the parliamentary report in November 1994 in accordance with the Federal Education Act);

(b) Preparation of booklets containing methodological recommendations for teaching language and mathematics at the primary and intermediate levels (for distribution to all schools in the country);

(c) Training for supervisors, head teachers and teachers in the use of information on the results of the assessment, in those administrative districts that request it.

279. Second National Assessment, 1994:

Pupils assessed	86 668
Sections assessed	4 583
Districts in which a broader sample was used	24
Tests given	346 672 (language, mathematics, natural and social sciences)

Questionnaires issued to 4,583 head teachers; 9,166 teaching staff; and 86,668 pupils.

(a) Submission of national results and results for each administrative district (on completion of processing);

(b) Preparation of booklets containing methodological recommendations for teaching language and mathematics at the primary and intermediate levels;

(c) Preparation of modules for training supervisors, administrative and teaching staff in the use of information on the results of the assessment.

Adult education

280. In Argentina there are literacy and primary education services catering for about 180,000 persons. Courses requiring attendance mainly attract adolescents and the elderly, with relatively little participation by the economically active population. The distance-learning project was therefore developed to target that group, particularly in urban and suburban areas, where work is done with workers, parents of children in pre-school and primary schools, the prison population and housewives.

281. Surveys are being carried out as part of the project to obtain more precise details of the target population in order to develop projects better suited to the beneficiaries' needs.

Percentage of the budget earmarked for education

282. Federal Education Act No. 24.195 was adopted in 1992; articles 60 and 61 guarantee the gradual doubling of public investment in the national education system, by at least of 20 per cent a year as from the 1993 budget.

Percentage of the budget of the national public sector

Year	Percentage
1991	12.3
1992	12.6
1993	12.8
1994	14.6

The school system

283. Argentina's educational system is defined in title III, chapter 1, articles 10 to 12, of Act No. 24.195. Article 10 provides:

"The structure of the educational system, which shall be gradually and progressively implemented, shall consist of:

(a) Pre-school education, comprising kindergartens for children aged from three to five, the last year of which shall be compulsory. The provinces and the municipality of Buenos Aires shall, where appropriate, establish nursery schools for children aged under three and provide support to enable community institutions to provide nursery school services and assistance to families in need of such services;

(b) Basic general education, which shall be compulsory and last nine years from the age of six; this shall constitute a comprehensive pedagogical unit organized by cycles, in accordance with the provisions of article 15;

(c) Multi-modal education, after completion of the basic general education, provided by specialized institutions and lasting a minimum of three years;

(d) Higher, vocational and degree level education on completion of multi-modal education. Its duration will be set by the universities and non-university institutions as appropriate;

(e) Post-graduate education".

284. To summarize, the new structure of the educational system is as follows:

(a) Pre-school education, between the ages of three and five. Its purpose is to build on the learning process within the family and to begin to teach reading and writing;

(b) Basic general education, lasting nine years and divided into three cycles:

(i) The first cycle. Its main aims are to teach pupils to read and write, to introduce them to mathematical logic and to teach basic concepts for understanding reality;

(ii) The second cycle. Its purpose is to consolidate language and mathematics. The conceptual framework of various cultural fields, such as the social and natural sciences, technology, the plastic arts, music and physical education, are introduced gradually. This body of knowledge helps pupils become personally and socially self-sufficient;

(iii) The third cycle. This provides educational opportunities suited to the needs of pre-adolescents and adolescents. It further develops and expands knowledge of language, mathematics and the scientific, technological and artistic disciplines. It also fosters the development of more complex individual and social behaviour in accordance with the development of pupils and the expectations of society;

(c) Multi-modal education. This offers an attractive variety of activities linked to the world of work and based on a general core curriculum. It includes various workshops and activities forming an initial link with scientific and productive activities. It prepares students for higher studies and, when taken in conjunction with a technical and professional course, may lead to a technician's diploma;

(d) Technical and professional course. This course develops the necessary skills to enable students to work in specific sectors of industry;

(e) Higher education (non-university, university and post-graduate).

Equal access to the different levels of education and measures to promote literacy

285. See annex 64, enrolment by level and by sex.

Access to different levels of education

286. In the preceding paragraphs of this report, reference is made to internal and external factors in the educational system as variables which have historically created various opportunities in terms of the quantity and quality of the services offered. The efforts made by the educational authorities allowed universal access to the system, so that, from this point of view, it may be said that the right to literacy for all is guaranteed de jure and de facto. Without overlooking the need to ensure that schooling is made available, the efforts now being made by the educational authorities to change the system in the context of the Federal Education Act are focusing on the improvement of the quality of instruction in accordance with principles of equality which ensure similar learning achievements despite differences in income.

287. Under the "Better Education for All" programme, the Social Plan for Education is thus implementing project No. 4 on the "promotion of alternative proposals", which gives priority to specific areas:

Indigenous communities (bilingualism);

Children at risk of dropping out in the last primary school cycle and those who work;

Children with particular problems;

Young people and adults who have not completed primary school;

Scattered rural inhabitants whose needs can be met through distance learning.

288. Taking particular account of these areas involves a strong element of equity and justice because, in all cases, the attention given has to be adapted to each situation. Through its compensatory activities for 1994 and 1995, the Social Plan for Education promotes the submission of projects relating to these areas, provided that they have been approved by the provincial educational authorities.

289. Depending on budget resources, the Ministry's support for these proposals takes the form of:

Funds to buy teaching equipment at the institutional level;

The supply of bibliographies for the establishment of libraries;

Agreements with trained instructors who have their own workshops and can hire out their services for practical training;

Hiring of professionals specializing in particular educational problems in these sectors to carry out field work;

Funds for special teacher training projects.

290. One example of this type of activity is support for the Social Plan with an investment in 1995 of about $Arg 250,000 for the construction in Chaco Province of the Indigenous Research and Training Centre, which will train indigenous teaching assistants and nursery and primary school teachers for schools with children of different ethnic groups. Other activities will also be carried out, including teacher training and research on cultural, linguistic and educational topics to back up the bilingual programme.

291. These activities are covered by chapter 4 of the Constitution, which empowers the National Congress: (a) to recognize the ethnic and cultural pre-existence of Argentine indigenous peoples; and (b) to guarantee respect for their identity and the right to a bilingual and cross-cultural education.

Measures taken to introduce or guarantee equal access to all levels of education

292. As stated in earlier paragraphs, the Ministry of Culture and Education is taking steps under the Social Plan for Education on behalf of low-income and rural sectors, indigenous communities, children with physical or mental disabilities and specific population groups with a view to ensuring that they may enter and stay in the educational system and strengthening the teaching function of schools by giving priority to strategies to improve in-house training and help eliminate educational inequalities. The following objectives were achieved in 1993-1994 and 1995:

Objectives	Achievements
Elimination of "makeshift" schools	1 875 new schools
Construction of nursery schools	1 750 kindergartens
Construction of classrooms	997 classrooms
School repairs	2 246 schools
Textbooks, encyclopedias, children's literature, reference books	3 000 000 books distributed
Notebooks	7 500 000 notebooks distributed
Computer equipment	5 600 computers
Subsidies for teaching equipment	4 800 schools
Refresher courses for teachers of pupils with learning problems	50 000 teachers trained
Subsidies for innovative projects (incentives)	1 000 projects financed

These objectives were achieved by means of the following investments:

1993	$Arg 62 450 000
1994	$Arg 126 000 000

1995

Objectives	Achievements
School construction (classrooms, nursery schools, new buildings)	1 200 000 m^2
School repairs	1 000 schools
Textbooks, encyclopedias, children's literature, reference books	2 350 000 books distributed
School supplies	for 1 500 000 pupils
Teaching equipment	for 8 000 schools
Teacher training	for 50 000 teachers
Subsidies for innovative projects	1 400 projects
Furnishing of primary schools	9 000 items

These objectives were achieved by means of the following investment:

1995	$Arg 99 396 519

Conditions of teaching staff at all levels in the country

293. Until the transfer of education departments to the various political districts in the country (Act No. 24.049 of 1992), material conditions of teaching staff were governed by Act No. 14.473 of 1958, which established the Teaching Staff Statute for the sector that had previously come under national jurisdiction. Provincial legislation was supposed to be brought into line with the regime established by that Act. The Statute covered the primary, secondary and non-university higher levels, including the elements referred to in the recommendation made on 5 October 1966 by the Ad Hoc Intergovernmental Conference on the Situation of Teaching Staff, organized by UNESCO. University teaching staff was governed by the statutes of each university, which corresponded to legislation relating specifically to that educational level. As far as what was not established in the statutes, a supplementary legal framework was to be found in national legislation, which governs civilian government employees. At present, the statutory requirements are being amended as a result of the adoption of new Higher Education Act, No. 24.521 of 1995.

294. Following the transfer of national education departments to the provinces and the municipality of Buenos Aires, teachers have been covered by

provincial legislation, which has the basic general structure established in national legislation (Act No. 14.473), and most employment benefits have thus been maintained.

295. Articles 46 and 47 of the Federal Education Act (No. 24.195 of 1993) establish the basic structure of rights and obligations of teachers to which districts have to adapt their own legislation. These articles read:

"Article 46. Without prejudice to the labour rights recognized by the provisions in force and those contained in specific legislation, all persons employed in State and private education shall be entitled:

(a) To exercise their profession on the basis of freedom of instruction in accordance with the teaching and curricular rules established by the educational authorities;

(b) To enter the system through a regime of competitive examinations which guarantee their suitability for the profession, as well as respect for their abilities; and to advance in the teaching profession on the basis of merit and professional conduct;

(c) To receive fair remuneration for their work and training;

(d) To health care and prevention of work-related illnesses;

(e) To exercise their profession in buildings where health and safety conditions are in keeping with a decent standard of living and to have the necessary teaching materials and resources available at their place of work;

(f) To recognition of the services they provide and access to special benefits when they work in schools in underprivileged or isolated areas;

(g) To a planning system which allows, in the exercise of the profession, for mobility between districts and recognition of contributions and seniority earned in any one of them;

(h) To the right to strike;

(i) To training, updating and further in-service training to adapt to the necessary changes in curriculum.

Persons employed in education in privately run schools shall have qualifications recognized by the corresponding educational district for the exercise of the profession, in which case they shall be entitled to the conditions of work provided for in the present article, except subparagraphs (a) and (b).

Article 47. Persons employed in education shall have the following duties:

(a) To obey the institutional rules of the educational community to which they belong;

(b) To take part in the activities of the educational community;

(c) To respect the freedom and dignity of pupils as persons;

(d) To engage in further training and updating."

Comparison of salaries of professors with those of other public officials in the main parts of the country

296. See annex 65, average gross salary of teachers (by district and educational level, 1995).

Proportion of schools at all levels not established and administered by the Government

297. On the basis of the National Census of Teachers and Educational Establishments, it is noted that there may be one or more levels of instruction in each establishment at the same time. Each establishment will thus have as many educational units as levels of instruction. The information given below includes total numbers of establishments by type of education and educational units by level. In both cases, the information is broken down according to State and private sectors.

Sector	Total	Ordinary only	Ordinary and other	Other types*	No information
Country total	38 330	32 698	1 139	4 249	244
State	30 235	25 301	987	3 828	119
Private	7 767	7 214	145	370	38
No information	328	183	7	51	87

* Establishments which provide adult, artistic and/or special education either exclusively or in combination (except in combination with ordinary instruction).

Educational units by level of instruction according to sector (absolute)

Sector	Total	Pre-school	Primary	Secondary	Higher (non-university)*
Country total	48 538	12 720	25 448	7 239	1 674
State	36 977	8 826	21 661	4 386	956
Private	11 174	3 801	3 612	2 802	708
No information	387	93	175	51	10

* Courses with no equivalent at the primary or secondary levels offered in special and adult education.

Educational units by level of instruction (1988-1994)

Level	1988	1994
Pre-school	9 137	12 720
Primary	21 207	25 448
Secondary	6 125	7 239
Higher (non-university)	1 099	1 674
University	26	79
Other	0	1 382
No information	0	75
Total	37 619	48 617

Source: National Census of Teachers and Educational Establishments, 1994 (provisional results), Federal Educational Information Network Department, Educational Programming and Evaluation Secretariat, Ministry of Culture and Education.

Difficulties for those who wish to establish schools or gain access to them

298. In Argentina, the possibility of setting up schools not run by the Government is guaranteed by article 14 of the Constitution: "All inhabitants of the Nation shall enjoy the following rights in accordance with the laws governing their exercise: (...) to teach and to learn".

299. Title V of Federal Education Act No. 24.195 on "Privately run schools" reads:

> "Article 36. Privately run educational services shall be subject to prior recognition and monitoring by official educational authorities.
>
> The following agents shall be entitled to provide such services: the Catholic Church and other religious denominations registered in the National Register of Religions; societies, associations, foundations and enterprises with legal personality; and private individuals.
>
> As part of the national education system and subject to the rules and regulations, such agents shall have the following rights and obligations:
>
> (a) Rights: To establish, organize and maintain schools; to appoint and promote directorial, teaching, administrative and auxiliary staff; to decide how school buildings are to be used; to formulate study plans and curricula; to grant recognized certificates and diplomas; to take part in educational planning.
>
> (b) Obligations: To follow national and departmental educational policy guidelines; to offer educational services which meet the community's needs, with the possibility of offering any other type

of service (recreational, cultural, assistance) on a cooperative basis; and to provide any necessary information for pedagogical, accounting and work-related monitoring by the Government.

Article 37. The contribution by the State to teaching salaries in privately run educational establishments shall be based on objective criteria in accordance with the principle of distributive justice in the context of social justice and taking account, inter alia, of the social function it plays in its area of influence, the type of establishment and the fees charged.

Article 38. Teachers in recognized privately run educational establishments shall be entitled to a minimum wage equal to that of teachers in State-run institutions and shall have qualifications recognized by the provisions in force in each district."

300. It should also be pointed out that there is no obstacle to access to privately run schools in Argentina. In this connection, it is recalled that article 37 above provides for a contribution by the State to the payment of teachers' salaries and, in financial terms, this facilitates entry into such schools.

Changes in national policies, laws and practices which adversely affect the right provided for in this article

301. On the basis of the explanations contained in the present report, it may be stated that there have been no changes in Argentina which adversely affect the right provided for in article 13. On the contrary, the provisions of the Constitution, the Federal Education Act, which is the result of participation by organizations and sectors representing the entire national community, and the strategic guidelines it has drawn up in this regard are designed, on the basis of equity, to encourage broader educational coverage and quality at all levels and for all sectors of the population, particularly the most underprivileged.

International assistance

302. With financing from the Inter-American Development Bank (IABD), the Education Reform and Investment Programme is designed to help provincial Governments improve the quality of pre-school education, basic general education and teacher training. The proposed programme relates to the following areas: institutional; financial; human resources; design and implementation of curricula; infrastructure and equipment. It has earmarked $Arg 550,200,000 during the period 1995-1999 for all districts requesting assistance.

303. The International Bank for Reconstruction and Development/Secondary Education Decentralization Programme, which is financed by the World Bank, is designed to provide support for the process of decentralizing secondary schools by means of investments in the institutional strengthening of provincial ministries and schools. The general objective of this project is to help improve the efficiency and quality of educational services at the secondary level through a five-year investment programme for institutional strengthening, the improvement of the quality of education and the improvement of municipal infrastructure.

304. See annex 66 for statistical information on the situation of education in Argentina.

Article 14

305. As stated in the preceding articles, primary education is compulsory in Argentina and reference is therefore made to what was stated with regard to article 13 of the Covenant.

Article 15

Measures to promote and protect the cultural identity of the indigenous peoples who live in the Republic

306. The constitutional reform carried out in 1994 introduced far-reaching changes in respect of the promotion of the cultural identity of the indigenous peoples who live in the territory of the Republic of Argentina. In this connection, article 75, paragraph 24, reads:

> "It shall be the responsibility of the Congress:
>
> To recognize the ethnic and cultural existence of Argentine indigenous peoples; to guarantee respect for identity and the right to bilingual and cross-cultural education; to recognize the legal personality of indigenous communities and community ownership of the land they traditionally occupy; to establish regulations for the handing over of other land that is suitable and sufficient for human development, none such land being inalienable, transmissible or subject to taxes or charges; and to guarantee their participation in the management of their natural resources and other matters of interest to them. The provinces may exercise these powers concurrently."

307. In addition to the list of the main indigenous rights, it should also be noted that express recognition of the fact that the indigenous peoples existed prior to the establishment of the State and the provinces is a relevant argument in the struggle by the indigenous peoples for legal recognition.

308. The main purpose of the "education and culture" programme which forms part of the National Plan for Indigenous Communities is to bring about changes in education, which should lead to bilingual and intercultural instruction, the promotion of indigenous scholarships within the formal educational system and the recovery, development and preservation of the traditions and customs of each community.

Action carried out to preserve the cultural heritage of mankind

309. With regard to action to preserve the cultural heritage of mankind, Argentina has been designated for the establishment of a regional UNESCO headquarters. To this end, the Government and the private sector have given their unconditional support to UNESCO's goals by setting aside a house donated by its owner, the Argentine writer, Victoria Ocampo, to be used by UNESCO as a cultural centre and the second regional office for the world's natural and cultural heritage.

Constitutional measures to guarantee the development of science and culture

310. The constitutional measures adopted to guarantee the development of science and culture are based on the following provisions:

(a) Article 17 of the Constitution:

"Property is inviolable and no inhabitant of the nation may be deprived of it, except in accordance with a ruling handed down on the basis of the law. Expropriation on the grounds of public utility must be defined by law and compensated. Only the Congress may impose the contributions referred to in article 4. No personal service may be required except by law or a ruling based on law. Any author or inventor shall be the exclusive owner of his work, invention or discovery, for the period of time granted to him by law ...;" and

(b) Article 75, paragraph 19:

"It shall be the responsibility of the Congress: to promote human development, economic progress with social justice, the productivity of the national economy, the creation of employment, the vocational training of workers, the protection of the value of the currency and the development of science and technology and their dissemination and use; to adopt laws to protect cultural identity and plurality, freedom to create and disseminate works, the artistic heritage and cultural and audiovisual forums."